

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**RON BLOCKER,**

**Plaintiff,**

**VS.**

**Case No.: 2:07cv722MHT-WC**

**EQUITY GROUP EUFAULA  
DIVISION, LLC,**

**Defendants.**

**PLAINTIFF'S EVIDENTIARY MATERIALS IN OPPOSITION TO**  
**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

**COMES NOW** Plaintiff Ron Blocker and submits the following evidentiary materials in Opposition to the Defendant's Motion for Summary Judgment:

- |             |  |
|-------------|--|
| Exhibit 1.  | Deposition transcript of Ron Blocker   |
| Exhibit 2.  | Deposition transcript of Kathy Gilmore   |
| Exhibit 3.  | Deposition transcript of James Gregory Mills                                       |
| Exhibit 4.  | Deposition transcript of Reb Bludsworth  |
| Exhibit 5.  | Blocker - Corrective Action Form   |
| Exhibit 6.  | The Equity Group Saturday Pay Policy   |
| Exhibit 7.  | Equity Group Managers/Supervisors 6 <sup>th</sup> and 7 <sup>th</sup> Day Approval |
| Exhibit 8.  | Gilmore Interview Notes dated 5/24/05  |
| Exhibit 9.  | Ron Blocker Conduct Unbecoming of Management dated 5/17/05                         |
| Exhibit 10. | Ron Blocker 2004 W-2 & Earnings Summary  |

Exhibit 11. Declaration of Ron Blocker

Respectfully submitted,

s/Jerry Roberson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the \_15<sup>th</sup> day of August, 2008, I served a copy of the foregoing document upon counsel of record either through the CM/ECF system, via facsimile or by placing a copy of the same in the United States Mail, first class postage prepaid and addressed as follows:

Joel P. Smith, Jr.  
WILLIAMS, POTTHOFF, WILLIAMS  
& SMITH, L.L.C.  
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s/Jerry Roberson  
Jerry Roberson (ROB010)

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<div style="text-align: center;">1    IN THE UNITED STATES DISTRICT COURT</div> <div style="text-align: center;">2    MIDDLE DISTRICT OF ALABAMA</div> <div style="text-align: center;">3    NORTHERN DIVISION</div> <div style="text-align: center;">4</div> <div style="text-align: center;">5    CASE NUMBER: 2:07cv.722MHT-WC</div> <div style="text-align: center;">6</div> <div style="text-align: center;">7    RON BLOCKER,</div> <div style="text-align: center;">8    Plaintiff,</div> <div style="text-align: center;">9    vs.</div> <div style="text-align: center;">10    EQUITY GROUP EUFAULA</div> <div style="text-align: center;">11    DIVISION, LLC,</div> <div style="text-align: center;">12    Defendant.</div> <div style="text-align: center;">13</div> <div style="text-align: center;">14</div> <div style="text-align: center;">15    BEFORE:</div> <div style="text-align: center;">16    Cynthia M. Noakes, Commissioner</div> <div style="text-align: center;">17    and Certified Court Reporter</div> <div style="text-align: center;">18</div> <div style="text-align: center;">19</div> <div style="text-align: center;">20    DEPOSITION TESTIMONY OF</div> <div style="text-align: center;">21    RON BLOCKER</div> <div style="text-align: center;">22</div> <div style="text-align: center;">23    *****</div>	<div style="text-align: center;">1    or prior thereto.</div> <div style="text-align: center;">2    IT IS FURTHER STIPULATED AND AGREED</div> <div style="text-align: center;">3    that the notice of filing of the deposition by</div> <div style="text-align: center;">4    the Court Reporter is waived.</div> <div style="text-align: center;">5</div> <div style="text-align: center;">6</div> <div style="text-align: center;">7</div> <div style="text-align: center;">8</div> <div style="text-align: center;">9</div> <div style="text-align: center;">10</div> <div style="text-align: center;">11</div> <div style="text-align: center;">12</div> <div style="text-align: center;">13</div> <div style="text-align: center;">14</div> <div style="text-align: center;">15</div> <div style="text-align: center;">16    *****</div> <div style="text-align: center;">17</div> <div style="text-align: center;">18</div> <div style="text-align: center;">19</div> <div style="text-align: center;">20</div> <div style="text-align: center;">21</div> <div style="text-align: center;">22</div> <div style="text-align: center;">23</div>
Page 2	Page 4
<div style="text-align: center;">1    S T I P U L A T I O N</div> <div style="text-align: center;">2</div> <div style="text-align: center;">3    IT IS STIPULATED AND AGREED by and</div> <div style="text-align: center;">4    between the parties through their respective</div> <div style="text-align: center;">5    counsel, that the deposition of RON BLOCKER may</div> <div style="text-align: center;">6    be taken before Cynthia M. Noakes, Certified</div> <div style="text-align: center;">7    Court Reporter, at the Law Offices of WILLIAMS,</div> <div style="text-align: center;">8    POTTHOFF, WILLIAMS &amp; SMITH, Eufaula, Alabama</div> <div style="text-align: center;">9    36027, on the 9th day of May, 2008.</div> <div style="text-align: center;">10    IT IS FURTHER STIPULATED AND AGREED</div> <div style="text-align: center;">11    that the signature to and the reading of the</div> <div style="text-align: center;">12    deposition by the witness is waived, the</div> <div style="text-align: center;">13    deposition to have the same force and effect as</div> <div style="text-align: center;">14    if full compliance had been had with all laws and</div> <div style="text-align: center;">15    rules of Court relating to the taking of</div> <div style="text-align: center;">16    depositions.</div> <div style="text-align: center;">17    IT IS FURTHER STIPULATED AND AGREED</div> <div style="text-align: center;">18    that it shall not be necessary for any objections</div> <div style="text-align: center;">19    to be made by counsel to any questions except as</div> <div style="text-align: center;">20    to the form or leading questions, and that</div> <div style="text-align: center;">21    counsel for the parties may make objections and</div> <div style="text-align: center;">22    assign grounds at the time of the trial, or at</div> <div style="text-align: center;">23    the time said deposition is offered in evidence,</div>	<div style="text-align: center;">1    I N D E X</div> <div style="text-align: center;">2    EXAMINATION BY:                      PAGE NUMBER:</div> <div style="text-align: center;">3    MR. SMITH                              6-165, 167-168</div> <div style="text-align: center;">4    MR. ROBERSON                          165-167</div> <div style="text-align: center;">5</div> <div style="text-align: center;">6</div> <div style="text-align: center;">7    EXHIBITS:</div> <div style="text-align: center;">8    Defendant's Exhibit No. 1              75</div> <div style="text-align: center;">9    Defendant's Exhibit No. 2              121</div> <div style="text-align: center;">10    Defendant's Exhibit No. 3              131</div> <div style="text-align: center;">11    Defendant's Exhibit No. 4              144</div> <div style="text-align: center;">12    Defendant's Exhibit No. 5              155</div> <div style="text-align: center;">13    Defendant's Exhibit No. 6              159</div> <div style="text-align: center;">14    Defendant's Exhibit No. 7              160</div> <div style="text-align: center;">15    Defendant's Exhibit No. 8              161</div> <div style="text-align: center;">16    Defendant's Exhibit No. 9              162</div> <div style="text-align: center;">17    Reporter's Certificate                  169</div> <div style="text-align: center;">18</div> <div style="text-align: center;">19</div> <div style="text-align: center;">20</div> <div style="text-align: center;">21</div> <div style="text-align: center;">22</div> <div style="text-align: center;">23    *****</div>

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<p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF:</p> <p>4 MR. JERRY D. ROBERSON</p> <p>5 ROBERSON &amp; ROBERSON</p> <p>6 ATTORNEYS AT LAW</p> <p>7 3765 Kinross Drive</p> <p>8 Birmingham, Alabama 35238-0487</p> <p>9 (205) 981-3906</p> <p>10</p> <p>11 ON BEHALF OF THE DEFENDANT:</p> <p>12 MR. JOEL P. SMITH, JR.</p> <p>13 WILLIAMS, POTTHOFF,</p> <p>14 WILLIAMS &amp; SMITH, LLC</p> <p>15 ATTORNEYS AT LAW</p> <p>16 125 South Orange Avenue</p> <p>17 Eufaula, Alabama 36027</p> <p>18 (334) 687-5834</p> <p>19</p> <p>20 ALSO PRESENT:</p> <p>21 Kathy Gilmore Davis, Equity Group</p> <p>22 Human Resources Representative</p> <p>23 *****</p>	<p>1 A. Ron Frank Blocker.</p> <p>2 Q. All right. And your address?</p> <p>3 A. 2578 Highway 431 North.</p> <p>4 Q. How long have you been there? That's</p> <p>5 Eufaula?</p> <p>6 A. Yes, sir. Probably eight, nine years.</p> <p>7 Q. Okay. Are you married?</p> <p>8 A. Yes.</p> <p>9 Q. What's your wife's name?</p> <p>10 A. Cindy Blocker.</p> <p>11 Q. Where does she work?</p> <p>12 A. Garden Gallery.</p> <p>13 Q. Before I go much further, we met a minute</p> <p>14 ago. I'm Joel Smith, and I'm the lawyer for</p> <p>15 Equity Group, who you've sued in this case.</p> <p>16 I'm going to be asking you questions, and</p> <p>17 they're going to be, hopefully, straightforward.</p> <p>18 If they're not straightforward and you don't</p> <p>19 understand, just ask me to repeat them. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. Have you ever given one of these before?</p> <p>22 A. No.</p> <p>23 Q. Okay. And the other thing is, if you need a</p>
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<p>1 I, CYNTHIA M. NOAKES, a Certified Court</p> <p>2 Reporter of Eufaula, Alabama, acting as</p> <p>3 Commissioner, certify that on this date, as</p> <p>4 provided by the Alabama Rules of Civil Procedure</p> <p>5 and the foregoing stipulation of counsel, there</p> <p>6 came before me at the Law Offices of WILLIAMS,</p> <p>7 POTTHOFF, WILLIAMS &amp; SMITH, Eufaula, Alabama</p> <p>8 36027, beginning at 9 a.m., RON BLOCKER, witness</p> <p>9 in the above cause, for oral examination,</p> <p>10 whereupon the following proceedings were had:</p> <p>11</p> <p>12 RON BLOCKER,</p> <p>13 being first duly sworn, was examined and</p> <p>14 testified as follows:</p> <p>15</p> <p>16 THE COURT REPORTER: Usual</p> <p>17 stipulations?</p> <p>18 MR. ROBERSON: (No response.)</p> <p>19 MR. SMITH: Uh-huh.</p> <p>20</p> <p>21 EXAMINATION</p> <p>22 BY MR. SMITH:</p> <p>23 Q. Would you state your name, please.</p>	<p>1 break, just let me know and we'll take a break. I</p> <p>2 hope I'm not going to go too long, but you never</p> <p>3 know. So anytime you need a break, just tell me.</p> <p>4 Where do you work now?</p> <p>5 A. I'm unemployed at the present time.</p> <p>6 Q. Okay. Let's go back through your education</p> <p>7 and employment history. Just go back, if you</p> <p>8 would, to high school, year of graduation and</p> <p>9 where you graduated.</p> <p>10 A. I went to the 11th grade at Dougherty High,</p> <p>11 Albany, Georgia.</p> <p>12 Q. Okay.</p> <p>13 A. Then I went over here to Wallace Community</p> <p>14 College and got my GED.</p> <p>15 Q. Okay. What's your date of birth?</p> <p>16 A. 5/17/60.</p> <p>17 Q. Okay. So when did you get your GED? late</p> <p>18 '70s?</p> <p>19 A. In the '80s.</p> <p>20 Q. All right. Well, let's start with your</p> <p>21 employment history, the first job you can</p> <p>22 remember, and just give me -- you don't have to</p> <p>23 give me exact dates, but just tell me the best you</p>

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<p>1 can.</p> <p>2 A. I spent three or four years traveling around</p> <p>3 doing electrical work.</p> <p>4 Q. Okay. Did you learn about that at Wallace?</p> <p>5 A. No, sir. I learned on job training.</p> <p>6 Q. Okay. Who did you work for?</p> <p>7 A. Davis Electric.</p> <p>8 Q. Where were they out of?</p> <p>9 A. Greenville, South Carolina.</p> <p>10 Q. Were you living up there?</p> <p>11 A. No. They placed me in different jobs all</p> <p>12 over the country. I was wanting to travel.</p> <p>13 Q. Okay. And were you doing apprentice-type</p> <p>14 work for them?</p> <p>15 A. Yes.</p> <p>16 Q. And why did you leave that job?</p> <p>17 A. I went into the oil field.</p> <p>18 Q. Did you work on an oil rig?</p> <p>19 A. I worked six years for Dimensional Oil Field</p> <p>20 Services, on oil rigs.</p> <p>21 Q. Where was that out of?</p> <p>22 A. Houma, Louisiana.</p> <p>23 Q. All right. Tell me what you did there.</p>	<p>1 Q. Do you remember what years you worked for</p> <p>2 them? Sounds like you went three to four years</p> <p>3 doing the electrical, and then six years of that;</p> <p>4 is that --</p> <p>5 A. Right.</p> <p>6 Q. Does that help you remember what time frame</p> <p>7 we're talking about here?</p> <p>8 A. I left there somewhere around '84, and came</p> <p>9 to Eufaula.</p> <p>10 Q. You left Houma?</p> <p>11 A. I left Houma, I believe, in '84.</p> <p>12 Q. Okay. Did you leave that job?</p> <p>13 A. Yes.</p> <p>14 Q. Why did you leave the job?</p> <p>15 A. It was a boomtown when I first got there,</p> <p>16 and it kind of up, the work; and they had lost a</p> <p>17 few fields.</p> <p>18 Q. So did they lay you off or terminate you, or</p> <p>19 did you leave voluntarily?</p> <p>20 A. I took a voluntary layoff. I requested it,</p> <p>21 while they were laying off.</p> <p>22 Q. Where is that company headquartered? Are</p> <p>23 they still in business?</p>
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<p>1 A. I was a wire line operator.</p> <p>2 Q. What does that mean?</p> <p>3 A. You run the wire. It's diesel equipment</p> <p>4 with a big spool of wire, and you run the tools up</p> <p>5 and down the oil wells that put subsurface safety</p> <p>6 valves in. And also you run a tool in that sets</p> <p>7 certain valves that inject air/gas, that pushes</p> <p>8 the oil up.</p> <p>9 Q. How did you learn how to do all that?</p> <p>10 A. On-the-job training.</p> <p>11 Q. Did you work offshore?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And did you live in Louisiana or did you</p> <p>14 live up here?</p> <p>15 A. I lived in Louisiana part time; part time I</p> <p>16 lived in Eufaula.</p> <p>17 Q. Okay. Just traveled back and forth?</p> <p>18 A. After my apprenticeship was over and I</p> <p>19 became an operator, I got a 7/7, where I worked</p> <p>20 seven days on and seven days off.</p> <p>21 Q. Okay. What kind of money were you making at</p> <p>22 your highest level of wage on that job?</p> <p>23 A. Probably 35-, \$40,000 a year.</p>	<p>1 A. They're still in business, in Houma,</p> <p>2 Louisiana.</p> <p>3 Q. Okay. Do they still go by the same name?</p> <p>4 A. I assume they do.</p> <p>5 Q. Okay. After Dimensional Oil Field, who did</p> <p>6 you work for?</p> <p>7 A. I went to work for Fish World for Tom Mann.</p> <p>8 Q. Okay. Let me back up real quick. You got</p> <p>9 your GED at Wallace. Did you take any junior</p> <p>10 college classes?</p> <p>11 A. No, sir.</p> <p>12 Q. Or any vocational?</p> <p>13 A. No, sir.</p> <p>14 Q. All right. So Tom Mann hired you at Fish</p> <p>15 World?</p> <p>16 A. Uh-huh.</p> <p>17 Q. What did you do for him?</p> <p>18 A. I was a plant manager.</p> <p>19 Q. Was that when they were making Kangaroo</p> <p>20 worms and all that stuff?</p> <p>21 A. Yes, sir.</p> <p>22 Q. How many people did you supervise?</p> <p>23 A. About 20 people. Maybe six in the plant,</p>

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<p>1 and the others were home workers.</p> <p>2 Q. Do you remember what kind of money you made</p> <p>3 there?</p> <p>4 A. \$450 a week.</p> <p>5 Q. Okay. Was that a salary?</p> <p>6 A. Yes.</p> <p>7 Q. Let me back up to the oil field job. When</p> <p>8 you were working there, you said you went seven</p> <p>9 days on and seven off?</p> <p>10 A. Uh-huh.</p> <p>11 MR. ROBERSON: Yes. You've got to</p> <p>12 answer out.</p> <p>13 A. Yes, sir.</p> <p>14 Q. How many hours did you work in that seven</p> <p>15 days? How would they compensate you? Were you</p> <p>16 getting paid by the hour?</p> <p>17 A. I got paid by the hour.</p> <p>18 Q. So how did that work?</p> <p>19 A. I worked 12 hours a day, seven days a week.</p> <p>20 Everything over 40 was time and a half.</p> <p>21 Q. All right. So seven times 12 is 96, right?</p> <p>22 A. Right. But also, if I worked on a rig off</p> <p>23 my seven days --</p>	<p>1 Fish World? How did that work? Were you on</p> <p>2 salary or were you on a --</p> <p>3 A. That was just a five-day-a-week deal. We</p> <p>4 only worked 40 hours a week.</p> <p>5 Q. Were you on salary or hourly?</p> <p>6 A. Salary.</p> <p>7 Q. All right. How long did you work at Fish</p> <p>8 World?</p> <p>9 A. Approximately a year and a half.</p> <p>10 Q. And who was your boss there?</p> <p>11 A. Tom Mann.</p> <p>12 Q. Okay. Why did you leave that job?</p> <p>13 A. I bought out his production, his equipment,</p> <p>14 and started my own business.</p> <p>15 Q. What was that called?</p> <p>16 A. Designer Lures.</p> <p>17 Q. And how long were you involved with Designer</p> <p>18 Lures?</p> <p>19 A. Approximately seven years.</p> <p>20 Q. Did you run the plant out there on 431?</p> <p>21 A. Yes.</p> <p>22 Q. Did you own that building?</p> <p>23 A. I leased the building from Tom Mann, but I</p>
Page 14	Page 16
<p>1 MR. ROBERSON: That's 84.</p> <p>2 MR. SMITH: I'm sorry. You're right.</p> <p>3 Eight times 12 is 96. My third grader knows that</p> <p>4 from those multiplication tables, and I can't get</p> <p>5 it right.</p> <p>6 MR. ROBERSON: I wasn't criticizing</p> <p>7 you.</p> <p>8 MR. SMITH: No, that's all right.</p> <p>9 Q. So you were basically doing, in a month, you</p> <p>10 were doing 116 hours?</p> <p>11 A. It was usually a little more than that,</p> <p>12 because they paid you travel time and things like</p> <p>13 that.</p> <p>14 Q. All right. My math's really bad. That's</p> <p>15 not right either. 168 hours.</p> <p>16 So you would get paid for your travel out to</p> <p>17 the rig?</p> <p>18 A. From the Houma office to wherever you were</p> <p>19 catching your flight or your boat, you got paid.</p> <p>20 Q. Okay. So you routinely got overtime in that</p> <p>21 job?</p> <p>22 A. Yes.</p> <p>23 Q. What about when you came back and worked for</p>	<p>1 owned the manufacturing equipment inside.</p> <p>2 Q. Okay. How many employees did you have?</p> <p>3 A. Probably 20.</p> <p>4 Q. Did you work as the plant manager? I mean,</p> <p>5 who did that?</p> <p>6 A. I was the plant manager, the maintenance,</p> <p>7 the secretary, everything.</p> <p>8 Q. So how many hours a week do you think you</p> <p>9 worked back then?</p> <p>10 A. We worked four days a week, ten hours a day.</p> <p>11 Q. So you were in charge of maintenance?</p> <p>12 A. I built the facility.</p> <p>13 Q. You built the whole thing; so when something</p> <p>14 would break down, you'd fix it?</p> <p>15 A. Yes, sir.</p> <p>16 Q. What did y'all have? Did y'all have</p> <p>17 injection molding out there?</p> <p>18 A. We had injection molding.</p> <p>19 Q. What else did y'all do?</p> <p>20 A. We did the painting of the hard fishing</p> <p>21 lures, assembly of spinner baits, lead heads; we</p> <p>22 made wooden lures.</p> <p>23 Q. I mean, tell me what types of equipment you</p>

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<p>1 had.</p> <p>2 A. I had injection molding equipment.</p> <p>3 Q. And then what did you have for other --</p> <p>4 that's the soft plastic stuff that you pour in a</p> <p>5 lead mold, basically; is that right?</p> <p>6 A. It's injected into an aluminum mold to make</p> <p>7 worms, lizards, and frogs.</p> <p>8 Q. Right.</p> <p>9 A. Then I built a chain-drive spray system to</p> <p>10 spray paint the fishing lures. Instead of doing</p> <p>11 like Mann's Bait Company, hold each one up and</p> <p>12 spray it, I had mine going on, basically, a</p> <p>13 bicycle chain around the room, with heat lights.</p> <p>14 I designed and built all that.</p> <p>15 Q. Okay. And how did you -- you would run four</p> <p>16 days, like a Monday through Thursday? Is that how</p> <p>17 it worked?</p> <p>18 A. Right.</p> <p>19 Q. And what would y'all do on Fridays?</p> <p>20 A. The plant was closed on Fridays.</p> <p>21 Q. When did you work on the equipment if it</p> <p>22 broke down? How did that work?</p> <p>23 A. I came in an hour or so every morning and</p>	<p>1 Q. I understand that. But you would agree that</p> <p>2 you can't do maintenance on the equipment,</p> <p>3 generally speaking, when the production workers</p> <p>4 are making product on it, correct?</p> <p>5 A. Correct.</p> <p>6 MR. ROBERSON: You can, but you don't</p> <p>7 want to.</p> <p>8 THE WITNESS: Right.</p> <p>9 Q. All right. So you had Designer Lures for</p> <p>10 seven years. Did you have any partners in that?</p> <p>11 A. Tom Mann was my partner also.</p> <p>12 Q. Okay. What years did that involve, if you</p> <p>13 can remember?</p> <p>14 A. I can't remember exactly, right off the top</p> <p>15 of my head.</p> <p>16 Q. You left Houma in '84, and then you came</p> <p>17 back here and you did Fish World for a year and a</p> <p>18 half; so that's about '85, '86.</p> <p>19 So would you say you had Designer Lures</p> <p>20 until '92, '93? Does that sound right?</p> <p>21 A. Approximately, yes.</p> <p>22 Q. All right. Tell me why you stopped working</p> <p>23 for Designer Lures.</p>
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<p>1 got it heated up, and checked everything out.</p> <p>2 Q. Okay. When did you do maintenance work on</p> <p>3 it?</p> <p>4 A. That hour or so I came in there every</p> <p>5 morning, I would take care of everything ahead of</p> <p>6 the employees.</p> <p>7 Q. So you would do it when the employees</p> <p>8 weren't working on the line?</p> <p>9 A. Right. That way I wouldn't have any down</p> <p>10 time.</p> <p>11 Q. Right. Did you ever have to work on it on</p> <p>12 Fridays?</p> <p>13 A. I usually fished on Fridays. But there was</p> <p>14 a few occasions.</p> <p>15 Q. You could fish right there out your back</p> <p>16 door, couldn't you?</p> <p>17 A. Yes.</p> <p>18 MR. ROBERSON: You tested your</p> <p>19 equipment.</p> <p>20 A. On Fridays I tried to travel out of town.</p> <p>21 MR. ROBERSON: That's research.</p> <p>22 THE WITNESS: Right. Free fishing</p> <p>23 trip. Run it through the company.</p>	<p>1 A. I sold the company.</p> <p>2 Q. Okay. Who did you sell it to?</p> <p>3 A. Salco. I sold it to Tom Mann, but he turned</p> <p>4 around and sold it to Salco.</p> <p>5 Q. Is that the Aflac people from Columbus?</p> <p>6 A. Right. Well, Salco's from Columbus; I'm not</p> <p>7 sure about Aflac.</p> <p>8 Q. Did you work for Salco after you sold it, or</p> <p>9 did you -- I mean, after you sold the company, did</p> <p>10 you stay on and run it for them?</p> <p>11 A. I stayed for approximately eight months. I</p> <p>12 agreed to stay for six, to train somebody after I</p> <p>13 sold it.</p> <p>14 Q. All right. And you wound up staying for</p> <p>15 eight?</p> <p>16 A. Approximately eight.</p> <p>17 Q. Okay. Then what did you do?</p> <p>18 A. I went and built a fishing lure</p> <p>19 manufacturing company in Guatemala City.</p> <p>20 Q. Who did you do that for?</p> <p>21 A. Tom Freeman, Freeman International.</p> <p>22 Q. Where is he out of?</p> <p>23 A. At that time, he was out of Columbia,</p>

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Page 21	Page 23
<p>1 Alabama.</p> <p>2 Q. Is that place still in business?</p> <p>3 A. The plant in Guatemala is. The home office</p> <p>4 in the United States has been shut down.</p> <p>5 Q. What was the name of that company?</p> <p>6 A. It changed names from Columbia International</p> <p>7 to American Sports. It went by those two names</p> <p>8 when I worked with them.</p> <p>9 Q. Were you an employee there or did you have</p> <p>10 your own business?</p> <p>11 A. I was an employee.</p> <p>12 Q. So it was Columbia International. And then</p> <p>13 what was the other one?</p> <p>14 A. American Sports International.</p> <p>15 Q. And what was your job title there?</p> <p>16 A. I was a plant manager, plus designing of new</p> <p>17 equipment.</p> <p>18 Q. Did you live in Guatemala City?</p> <p>19 A. Yes.</p> <p>20 Q. How long were you down there?</p> <p>21 A. I stayed approximately two years.</p> <p>22 Q. Okay. And how many employees did you have</p> <p>23 down there?</p>	<p>1 that right?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Did you have a maintenance department there?</p> <p>4 A. No, sir.</p> <p>5 Q. Who was in charge of maintenance?</p> <p>6 A. I took care of the maintenance myself.</p> <p>7 Q. And the same thing: Did you do maintenance</p> <p>8 when y'all were not running the equipment? Is</p> <p>9 that basically how that worked?</p> <p>10 A. There wasn't much maintenance to be done.</p> <p>11 You had to do that maintenance while the plant</p> <p>12 ran. A mold change or something was basically all</p> <p>13 the maintenance you had to do, unless something</p> <p>14 tore up; so you actually did it while it was</p> <p>15 running.</p> <p>16 Q. So if it was running and it tore up, then</p> <p>17 they would have to stop using it; but you would</p> <p>18 come in there and fix it? Is that how it worked?</p> <p>19 A. Correct.</p> <p>20 Q. And you'd get it back running so they could</p> <p>21 keep production going?</p> <p>22 A. Right.</p> <p>23 Q. How many hours a week did you work down</p>
Page 22	Page 24
<p>1 A. 208.</p> <p>2 Q. So you supervised 208 employees?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And how many shifts was that? Tell me how</p> <p>5 y'all operated.</p> <p>6 A. We had two shifts.</p> <p>7 Q. I mean, how would they go? Would they go</p> <p>8 more than 40 a week?</p> <p>9 A. No. We only worked, basically, 40 hours a</p> <p>10 week.</p> <p>11 Q. First shift, right?</p> <p>12 A. Uh-huh.</p> <p>13 MR. ROBERSON: Is that yes.</p> <p>14 A. Yes, sir.</p> <p>15 Q. And tell me what type of operation that was.</p> <p>16 A. We manufactured lead jigs, soft plastic</p> <p>17 worms, lizards, and grubs, also tube jigs; and we</p> <p>18 spray painted hard lures made out of plastic and</p> <p>19 wood.</p> <p>20 Q. So it was a similar operation to what you</p> <p>21 had at Designer Lures?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Sounds like it was a lot bigger though; is</p>	<p>1 there?</p> <p>2 A. Basically, 40; sometimes 45.</p> <p>3 Q. And how did you get paid in that job?</p> <p>4 A. I was on salary.</p> <p>5 Q. Do you remember what your salary was?</p> <p>6 A. \$500 a week. They gave me a bonus if I had</p> <p>7 to work over. Like, if something tore up and I</p> <p>8 had to work the weekend or something, I got a</p> <p>9 little bonus.</p> <p>10 Q. All right. How much of a bonus would you</p> <p>11 get? What would it be based on? Would it be</p> <p>12 based on how much time?</p> <p>13 A. Right.</p> <p>14 Q. Did they have that figured out to the hour</p> <p>15 how much they would pay you?</p> <p>16 A. It was just a repay deal.</p> <p>17 Q. Okay. Give me an example. Like, the</p> <p>18 injection mold machine is broken, and we're going</p> <p>19 to pay you 50 extra dollars? I mean, how did that</p> <p>20 work?</p> <p>21 A. Sometimes it would be \$100, or sometimes it</p> <p>22 would be a \$200 fishing trip. The company would</p> <p>23 pay it.</p>

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<p>1 Let's say I worked Saturday ten hours to fix</p> <p>2 the equipment. Sunday he might cover a \$200</p> <p>3 fishing trip for me and my son; pay it out of the</p> <p>4 company.</p> <p>5 Q. Okay. And when you say "he," who is that?</p> <p>6 A. Tom Freeman.</p> <p>7 Q. Was he living down there too?</p> <p>8 A. Yes.</p> <p>9 Q. Is he still down there?</p> <p>10 A. Yes.</p> <p>11 Q. In Guatemala City? That's in Guatemala, I</p> <p>12 take it?</p> <p>13 A. Yes.</p> <p>14 Q. But he's originally from Columbia, Alabama?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And so he's still in the lure business down</p> <p>17 there?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Who do they manufacture for?</p> <p>20 A. I can't tell you who they manufacture for at</p> <p>21 the present time; but when I was down there, we</p> <p>22 manufactured for Sportsman's Supply, H &amp; H.</p> <p>23 Q. Anybody locally?</p>	<p>1 over my position. And then right before</p> <p>2 Christmas, I left.</p> <p>3 Q. Did you leave voluntarily or did they</p> <p>4 terminate your employment?</p> <p>5 A. I left voluntarily. I told them I was</p> <p>6 leaving six months ahead.</p> <p>7 Q. Well, it sounded like you were telling them</p> <p>8 you wanted a leave of absence; is that right?</p> <p>9 Maybe I misunderstood you.</p> <p>10 A. Well, I left my furniture and my car down</p> <p>11 there in case I came back.</p> <p>12 Q. You didn't know if you were coming back or</p> <p>13 not, it sounds like.</p> <p>14 A. I did not know. It was a big stress to be</p> <p>15 away from my family that period of time.</p> <p>16 Q. Sure. So, I mean, did you resign ultimately</p> <p>17 and tell them you just weren't coming back, or did</p> <p>18 they separate you or terminate you?</p> <p>19 A. I resigned myself. I was offered to come</p> <p>20 back.</p> <p>21 Q. Do you remember what year that was? mid</p> <p>22 1990s?</p> <p>23 A. It was right before I went to work at</p>
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<p>1 A. Terry Spence at Southern Plastics.</p> <p>2 Q. Y'all do work for Terry?</p> <p>3 A. Yes.</p> <p>4 Q. And then what about Dennis Montgomery? Was</p> <p>5 he in business then?</p> <p>6 A. He was in business then; but at that time we</p> <p>7 were trying to get his business. When I was</p> <p>8 there, we weren't manufacturing for him then.</p> <p>9 Q. Okay. But he was a potential customer?</p> <p>10 A. Yes.</p> <p>11 Q. So you were down there for two years?</p> <p>12 A. Yes.</p> <p>13 Q. And why did you leave that job?</p> <p>14 A. My father was fixin' to have surgery on his</p> <p>15 heart, and I had resigned. I told him I'd give</p> <p>16 him a date of six months ahead, so I could be at</p> <p>17 home.</p> <p>18 Q. Okay. So you gave them a six-month notice?</p> <p>19 A. I told them my father was going to have</p> <p>20 open-heart surgery and I wanted to be there with</p> <p>21 him and be with my family; and I told him I would</p> <p>22 be leaving and be home for Christmas that year.</p> <p>23 And so I started training someone else to take</p>	<p>1 Columbus Mills. That would be -- let's see. I</p> <p>2 don't believe I wrote that down. I should have</p> <p>3 brought my dates. That would have been</p> <p>4 approximately ten years ago.</p> <p>5 Q. All right. So 1998 or so?</p> <p>6 A. Yes, sir.</p> <p>7 Q. All right. And did your father live here in</p> <p>8 Eufaula?</p> <p>9 A. No, sir.</p> <p>10 Q. Where was he?</p> <p>11 A. Albany, Georgia.</p> <p>12 Q. Okay. So you came back up here and decided</p> <p>13 not to go back to Guatemala. Tell me the next</p> <p>14 place you worked.</p> <p>15 A. I went to work at Columbus Mills.</p> <p>16 Q. Who hired you there?</p> <p>17 A. Kathy Gilmore.</p> <p>18 Q. What did you do there?</p> <p>19 A. I was a second shift supervisor.</p> <p>20 Q. What did that involve?</p> <p>21 A. It's basically a carpet company. Blending</p> <p>22 the yarn, spinning.</p> <p>23 Q. Okay. How many employees did you have?</p>

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<p>1 A. Probably 30 or 40.</p> <p>2 Q. And who did you report to?</p> <p>3 A. Bob Newsome.</p> <p>4 Q. Was he the plant manager or a shift manager?</p> <p>5 A. I'm thinking he was the general manager.</p> <p>6 I'm not sure exact title.</p> <p>7 Q. But he was a plant manager-type person; does</p> <p>8 that sound right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Who else was up there in management at the</p> <p>11 time?</p> <p>12 A. The plant manager, I think, was George</p> <p>13 Harper at the time.</p> <p>14 Q. Okay. And how many years were you at</p> <p>15 Columbus Mills?</p> <p>16 A. Approximately a year and a half, two years.</p> <p>17 Q. And were you on salary or were you hourly?</p> <p>18 A. Salary.</p> <p>19 Q. What was your salary, if you can recall?</p> <p>20 A. I think it was somewhere around 37,000.</p> <p>21 Q. And how many hours a week did you work?</p> <p>22 A. It was basically 40 hours a week.</p> <p>23 Q. Were you on salary the whole time you were</p>	<p>1 A. You worked two days on, three days off; then</p> <p>2 three days on, two days off.</p> <p>3 Q. So on your off days, you worked for</p> <p>4 Whitfield?</p> <p>5 A. Yes.</p> <p>6 Q. Where were they located?</p> <p>7 A. At that time, Baker Hill.</p> <p>8 Q. Okay.</p> <p>9 A. It's listed as a Clayton address though.</p> <p>10 Q. Okay. Did you ever have to work more than</p> <p>11 40 hours a week at Columbus Mills?</p> <p>12 A. You might have to come in for a meeting or</p> <p>13 something.</p> <p>14 Q. Okay. Did you have any supervisory</p> <p>15 authority over maintenance men out there at</p> <p>16 Columbus Mills?</p> <p>17 A. Just the maintenance guys on my shift.</p> <p>18 Q. All right. And do you remember their names?</p> <p>19 A. James Pugh. And there was two others, but I</p> <p>20 can't recall their names right off the top of my</p> <p>21 head.</p> <p>22 Q. Do you know whether they ever had to work</p> <p>23 overtime?</p>
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<p>1 there?</p> <p>2 A. Yes.</p> <p>3 Q. Did you have to clock in?</p> <p>4 A. No.</p> <p>5 Q. What about your job in Guatemala City? Did</p> <p>6 you clock in there too?</p> <p>7 A. They didn't even have clocks.</p> <p>8 Q. They ain't worried about the FLSA in</p> <p>9 Guatemala, are they?</p> <p>10 MR. ROBERSON: They have the UFLSA,</p> <p>11 Unfair Labor Standards.</p> <p>12 MR. SMITH: That's right.</p> <p>13 A. Now, when I worked at Columbus Mills, I also</p> <p>14 worked at Whitfield Timber at the same time.</p> <p>15 Q. Okay. Who owns that?</p> <p>16 A. Jeff Whitfield.</p> <p>17 Q. What did you do for them?</p> <p>18 A. Skidder operator. That was a part-time job.</p> <p>19 Q. What was your shift at Columbus Mills? Were</p> <p>20 you on second shift? What hours was that? Was</p> <p>21 that like four to midnight or something?</p> <p>22 A. Six at night until six in the morning.</p> <p>23 Q. Okay.</p>	<p>1 A. They would volunteer to work every now and</p> <p>2 then, on Tuesdays, but not very many times.</p> <p>3 Q. Why would it be a Tuesday?</p> <p>4 A. Tuesdays they used to shut down one piece of</p> <p>5 equipment and, like, let certain people -- like,</p> <p>6 if the Volkmann line would be down, the guy on the</p> <p>7 second shift would come in off his shift, on</p> <p>8 Tuesdays, and help work on that piece of</p> <p>9 equipment.</p> <p>10 Q. Okay.</p> <p>11 A. They would shut a piece of equipment down</p> <p>12 once a month or so and spend maybe four to six</p> <p>13 hours going through it and checking all the</p> <p>14 bearings.</p> <p>15 Q. Okay. And would that count as overtime for</p> <p>16 those guys when they did that?</p> <p>17 A. Yes.</p> <p>18 Q. And that was a regular thing?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. What department did you supervise</p> <p>21 there at Columbus Mills? Was there a certain --</p> <p>22 A. BS -- blending, spinning -- BSTW. That's</p> <p>23 what they called it: BSTW. Blending, spinning,</p>

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<p>1 twisting, and winding.  2 Q. Okay.  3 A. That was the name they called it BSTW.  4 Q. Okay.  5 A. Over the blending department, spinning  6 department, twisting department, and winding.  7 Q. And that was making yarn for carpet? Is  8 that what y'all were doing?  9 A. Yes.  10 Q. Why did you leave that job?  11 A. Kathy and George told me things weren't  12 working too well, and they offered me eight weeks  13 -- I can't remember if it was four or six weeks'  14 severance pay if I resigned. Told me something  15 could happen if I didn't.  16 Q. All right. Did they give you a reason?  17 A. They just said that they were -- at that  18 time, they were hiring, basically, people with  19 college degrees. And they already had two of them  20 in there being trained.  21 Q. Who were those people?  22 A. I don't remember their names.  23 Q. So you're saying the reason they told you</p>	<p>1 Q. Okay. So you went full time at Whitfield  2 Timber. Tell me about your compensation there.  3 A. I don't understand what you mean.  4 Q. I'm sorry. When you went to Whitfield, were  5 you working on salary or by the hour?  6 A. By the hour.  7 Q. And what were you making, if you can recall?  8 A. Wait a minute. I got paid \$125 a day, I  9 think it was.  10 I only worked there for a little while,  11 until I went to work at -- I left -- I worked  12 there for just a short amount of time. And that's  13 when I started at CP.  14 Q. Okay. So you were at Whitfield driving a  15 skidder; is that right?  16 A. Yes.  17 Q. And that was 125 a day. And was that -- did  18 you get paid overtime?  19 A. We didn't work overtime.  20 Q. So it was just \$125 a day for an eight-hour  21 day?  22 A. Straight \$125 a day.  23 Q. Five days a week?</p>
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<p>1 they were terminating you, or asking you to take a  2 severance package, was because they wanted to  3 bring in college --  4 A. I don't know exactly why.  5 Q. Well, tell me what all they told you.  6 A. Just that things weren't working that well,  7 and that some of the production numbers wasn't  8 what they wanted, and they were trying to increase  9 production.  10 Q. So it was a job performance issue?  11 A. I never knew exactly why.  12 Q. Well, but what they told you was essentially  13 job performance?  14 A. Right. The production level on my shift was  15 lower than some.  16 Q. Okay. And did you take the severance pay?  17 A. Oh, yes.  18 Q. What did you do after that?  19 A. I went to work full time for Whitfield  20 Timber.  21 Q. Did you ever complain about your hours at  22 Columbus Mills?  23 A. No.</p>	<p>1 A. Uh-huh.  2 Q. Okay. So then you applied at the chicken  3 plant?  4 A. Yes.  5 Q. When was that?  6 A. '88 or '89. No. I mean, '98 or '99.  7 Q. All right. We can check on that and see.  8 But it was Charoen Pokphand at the time?  9 A. Right.  10 Q. What kind of job did you get there?  11 A. Maintenance supervisor over second shift.  12 Q. And who did you report to?  13 A. Philip Mauldin and Reb Bludsworth.  14 Q. And what plant were you working in?  15 A. The cook plant.  16 Q. Okay. Was Philip Mauldin the cook plant  17 manager?  18 A. He was the maintenance superintendent of the  19 cook plant.  20 Q. Okay. And were you on hourly wage at that  21 time?  22 A. Yes.  23 Q. Okay. What was your hourly wage to start</p>



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<p>1 with?</p> <p>2 A. I'm thinking I started around 12.50. I'm</p> <p>3 not sure of the exact number, but somewhere in</p> <p>4 that area. Then I moved up to about 14.75.</p> <p>5 Q. And this was with CP?</p> <p>6 A. Yes.</p> <p>7 Q. And how many hours a week were you working?</p> <p>8 A. Probably averaging 80 hours a week.</p> <p>9 Somewhere -- it varied different times. Sometimes</p> <p>10 60 or 70.</p> <p>11 Q. Wasn't there a period of time when that</p> <p>12 plant wasn't even running?</p> <p>13 A. When that plant shut down, the cook plant, I</p> <p>14 was the last supervisor over there running it.</p> <p>15 And then I moved into refrigeration at first</p> <p>16 processing, on day shift.</p> <p>17 Q. All right. Let's break it down to the cook</p> <p>18 plant.</p> <p>19 When you were working at the cook plant,</p> <p>20 tell me what period of time that was.</p> <p>21 A. I probably worked three years at the cook</p> <p>22 plant before it shut down, or maybe a little</p> <p>23 longer.</p>	<p>1 used, sometimes when it wasn't.</p> <p>2 Q. Okay. When it wasn't, what types of work</p> <p>3 were you performing on it, when it wasn't being</p> <p>4 used by production?</p> <p>5 A. When I was on third shift, we would do</p> <p>6 maintenance on the down -- on third shift, when</p> <p>7 they're washing the equipment down, that's when</p> <p>8 you do your maintenance.</p> <p>9 Q. Okay. So is it correct to say that you</p> <p>10 would have to be -- maintenance would have to be</p> <p>11 on duty while the equipment was running, in case</p> <p>12 it broke down, right?</p> <p>13 A. Right.</p> <p>14 Q. And then there would be occasions when you</p> <p>15 would have to work on it when the production</p> <p>16 people weren't using it, correct?</p> <p>17 A. Every night, when sanitation came in to</p> <p>18 clean the equipment, the third shift maintenance</p> <p>19 responsibility was to check the equipment out, so</p> <p>20 it wouldn't have to be worked on other times. It</p> <p>21 should be in tiptop shape when it starts up the</p> <p>22 next morning.</p> <p>23 Q. Okay. So I thought you told me you were</p>
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<p>1 Q. So '99 to 2001?</p> <p>2 A. Approximately.</p> <p>3 Q. And you're saying you averaged 80 hours a</p> <p>4 week during that time?</p> <p>5 A. Yes.</p> <p>6 Q. Tell me who worked under your supervision</p> <p>7 back then.</p> <p>8 A. Kurt Riley, Warren Gilmore, Brandon Baker.</p> <p>9 I'm trying to remember Papa Smurf's real name. We</p> <p>10 had nicknames for a lot of people. I can't</p> <p>11 remember all the names.</p> <p>12 Q. Okay. And what were their hours like? Did</p> <p>13 they work the same hours you did, or more, or</p> <p>14 less?</p> <p>15 A. Less.</p> <p>16 Q. Less hours? Okay. Why was that?</p> <p>17 A. I was asked to come in early to start up the</p> <p>18 equipment to make sure it was running okay, and</p> <p>19 stay late, a lot of times.</p> <p>20 Q. Okay. And, again, in maintenance, would you</p> <p>21 work on the equipment when it was not in use by</p> <p>22 the production employees?</p> <p>23 A. We worked on it sometimes when it was being</p>	<p>1 maintenance supervisor over second shift.</p> <p>2 A. I worked second, third -- during the time I</p> <p>3 was there, I worked all three shifts at different</p> <p>4 times.</p> <p>5 Q. Okay. But the third shift's job was to do</p> <p>6 maintenance on things that might have occurred</p> <p>7 during the second shift; is that right?</p> <p>8 A. Yes. During the first and second, if a belt</p> <p>9 was worn or a gear was worn or a motor was giving</p> <p>10 them any problems, third shift would change that</p> <p>11 out.</p> <p>12 Q. Okay. So did you leave the cook plant when</p> <p>13 CP shut it down?</p> <p>14 A. Yes.</p> <p>15 Q. What happened with that?</p> <p>16 A. I was asked if I would take a job in</p> <p>17 refrigeration.</p> <p>18 Q. Okay. By whom?</p> <p>19 A. By Reb Bludsworth.</p> <p>20 Q. Okay. And was that over in the processing</p> <p>21 plant?</p> <p>22 A. Yes.</p> <p>23 Q. And did you take that job?</p>

10 (Pages 37 to 40)

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<p>1 A. Yes.</p> <p>2 Q. What did that involve?</p> <p>3 A. Inspections and testing of equipment, and</p> <p>4 sometimes I'd work on special projects during the</p> <p>5 construction.</p> <p>6 Q. All right. And what was your hourly rate?</p> <p>7 Did it remain the same as it was when you came?</p> <p>8 A. Yes, sir. 14.75 or 14.72, something like</p> <p>9 that.</p> <p>10 Q. Did you work overtime during that period of</p> <p>11 time?</p> <p>12 A. Yes.</p> <p>13 Q. Did you ever complain about the overtime?</p> <p>14 A. Only when I got over 100 hours a week one</p> <p>15 time.</p> <p>16 Q. Who did you complain to?</p> <p>17 A. Joe McCraney.</p> <p>18 Q. They paid you time and a half for all that</p> <p>19 time?</p> <p>20 A. Yes.</p> <p>21 Q. How long did you work in refrigeration?</p> <p>22 A. Approximately a year.</p> <p>23 Q. All right. And tell me what prompted you to</p>	<p>1 A. Yes.</p> <p>2 Q. And at the same wage?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And how long, under Equity Group's</p> <p>5 ownership, did you work in refrigeration?</p> <p>6 A. I don't remember exactly.</p> <p>7 Q. Did you work overtime during that period?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So then you moved -- that wasn't a</p> <p>10 maintenance job, or was it?</p> <p>11 A. It was maintenance.</p> <p>12 Q. It was maintenance? It was maintenance in</p> <p>13 the -- because you were under Reb? Reb's a</p> <p>14 maintenance supervisor, correct?</p> <p>15 A. Yeah. But he was also over the</p> <p>16 refrigeration and all.</p> <p>17 Q. Okay. Were you a supervisor?</p> <p>18 A. No.</p> <p>19 Q. You just worked as a maintenance man?</p> <p>20 A. Yes.</p> <p>21 Q. And you made time and a half on your</p> <p>22 overtime?</p> <p>23 A. Yes.</p>
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<p>1 move out of refrigeration into your next job.</p> <p>2 A. I was told that the cook plant was starting</p> <p>3 back up, they wanted me to be a supervisor, and</p> <p>4 that Equity Group was going to cut out all</p> <p>5 overtime.</p> <p>6 Q. Who owned the plant? Well, let's get the</p> <p>7 dates before we get into that. When you left</p> <p>8 refrigeration, tell me what --</p> <p>9 A. Equity Group owned it at that time.</p> <p>10 Q. So that would have been after March of '04?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall that they bought it in March</p> <p>13 of 2004?</p> <p>14 A. I really don't recall the dates.</p> <p>15 Q. Well, do you disagree with that date?</p> <p>16 A. No.</p> <p>17 Q. Okay. So March 2004, the Equity Group buys</p> <p>18 the plant, correct?</p> <p>19 A. Uh-huh.</p> <p>20 MR. ROBERSON: Is that yes?</p> <p>21 A. Yes.</p> <p>22 Q. And they kept you on in your current job, in</p> <p>23 the job you had at the time, right?</p>	<p>1 Q. Who all else was on that crew with you? You</p> <p>2 may have already told me that.</p> <p>3 A. No.</p> <p>4 Q. You told me the cook plant people you worked</p> <p>5 with. Tell me the people you worked with in</p> <p>6 refrigeration.</p> <p>7 A. Refrigeration, there was Terrance Skinner,</p> <p>8 Tony Green. The boy's last name is White; I'm</p> <p>9 trying to remember his first name.</p> <p>10 Q. Butch?</p> <p>11 A. No.</p> <p>12 Q. He was a manager out there, wasn't he?</p> <p>13 A. This was a young guy; his last name was</p> <p>14 White. No kin to Butch though.</p> <p>15 Q. Okay. Anybody else?</p> <p>16 A. There was Chris Spurlock.</p> <p>17 Q. Okay.</p> <p>18 A. Larry Doswell. A young boy we called D.C.</p> <p>19 I forgot his real name.</p> <p>20 Q. Okay.</p> <p>21 A. There was also -- I can't remember the rest</p> <p>22 of the guys' names right off the top of my head.</p> <p>23 Q. Okay. And was Reb your supervisor?</p>

11 (Pages 41 to 44)

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<p>1 A. Terrance Skinner was my supervisor, but Reb  2 was over Terrance. But Reb also told me what to  3 do.  4 Q. Okay. Do you know if Terrance was on  5 salary, or was he hourly?  6 A. He was hourly. Same wage I was at that  7 time.  8 Q. Were the other people on that crew, were  9 they at a lower wage than you?  10 A. I really don't know what kind of pay they  11 made.  12 Q. Okay. They didn't cut your pay? It sounds  13 like they moved you from supervisory in the cook  14 plant over to --  15 A. Refrigeration.  16 Q. -- refrigeration, as a maintenance man.  17 A. That was the top pay of a maintenance person  18 was 14.75. Maintenance in refrigeration topped  19 out at that scale. I was making the top money  20 that you could make in maintenance.  21 Q. Okay. How long did you stay in the  22 maintenance in refrigeration?  23 A. Until the job of supervision at the cook</p>	<p>1 a supervisory position.  2 Q. Okay.  3 A. I told them I really wasn't interested, that  4 I would like to stay where I was.  5 Q. Okay.  6 A. They explained to me that Equity Group's new  7 policy was going to cut out all overtime, that  8 people were only going to get 40 to 45 hours a  9 week, and that I would be taking a great big cut  10 in pay because of the overtime I was going to  11 lose; and they were going to offer me a salary  12 position.  13 Q. Who said they were cutting out the overtime?  14 A. Greg Mills and Reb Blutsworth.  15 Q. They both said that?  16 A. Yes.  17 Q. Did they say Equity Group for certain is  18 going to adopt this policy or that they were  19 trying to? Tell me exactly what they said.  20 A. The exact words Greg told me was that Equity  21 Group was going to cut out all overtime; the only  22 way I could make anywhere near the money I made  23 before was to take the supervisor's position.</p>
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<p>1 plant.  2 Q. And do you remember what time that was? Was  3 that October of 2004 when you moved? At some  4 point you went from hourly to salary?  5 A. That would be October, yes.  6 Q. And I think October 2004 is when that was,  7 correct?  8 MR. ROBERSON: Your document shows it  9 to be November 1st.  10 MR. SMITH: Okay. I'm sorry. So  11 November 1, 2004.  12 MR. ROBERSON: I mean, your personnel  13 record.  14 MR. SMITH: Right. Okay. I knew it  15 was in the fall of '04.  16 Q. So November of '04, you think that's when  17 you went from hourly maintenance in refrigeration,  18 back over to the cook plant?  19 A. Yes.  20 Q. And tell me all the conversations you can  21 recall that led up to you changing positions.  22 A. Greg Mills and Reb Blutsworth brought me  23 into Greg's office and told me they wanted me for</p>	<p>1 That all I would have to do is come in and work my  2 shift, and maybe five hours extra a week. That  3 Equity Group was going to cut out the overtime to  4 save money.  5 Q. Did they tell you how they planned to cut  6 out overtime on maintenance?  7 A. They would hire enough people that when a  8 man's shift was over, he would go home.  9 Q. They said they were going to hire more  10 people?  11 A. They told me that we would have enough  12 people on staff that when your shift was over, it  13 was the next shift's problem, if there was a  14 problem.  15 Q. All right. What else did they tell you?  16 A. That I would get full medical insurance,  17 they paid all; I'd get a bonus, a quarterly bonus  18 or a -- there was a chance for a quarterly bonus,  19 all due to production.  20 Q. And did you get -- I mean, tell me what your  21 benefits were when you were hourly, that you can  22 recall. I mean, did you get some health insurance  23 there?</p>

12 (Pages 45 to 48)

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<p>1 A. They paid most of your health insurance.</p> <p>2 Q. Individually?</p> <p>3 A. Right.</p> <p>4 Q. How many kids did you -- did you have any</p> <p>5 kids that were minors or lived with you?</p> <p>6 A. At that time, there was me, my wife, and I</p> <p>7 had two grandchildren I was raising.</p> <p>8 Q. And were they on your insurance?</p> <p>9 A. Yes.</p> <p>10 Q. How was that being paid for when you were</p> <p>11 hourly?</p> <p>12 A. I had so much a week; it come out of my</p> <p>13 check.</p> <p>14 Q. Do you remember how much a week that was?</p> <p>15 A. I'd have to look at my pay stubs. I don't</p> <p>16 have that with me.</p> <p>17 MR. ROBERSON: Yeah, you do.</p> <p>18 A. Oh, excuse me. That will show it right</p> <p>19 there.</p> <p>20 Q. Okay.</p> <p>21 A. \$43.75 a week came out.</p> <p>22 Q. And this was when you were on hourly?</p> <p>23 A. Yes, sir.</p>	<p>1 going to mark them.</p> <p>2 MR. ROBERSON: I'm going to provide</p> <p>3 them to you; but yes, you can, sure.</p> <p>4 MR. SMITH: Yeah. If you don't mind,</p> <p>5 I'll go ahead and do that.</p> <p>6 MR. ROBERSON: I don't mind. And,</p> <p>7 Joel, you may want to get this too.</p> <p>8 MR. SMITH: Yeah, I'll go ahead and get</p> <p>9 that copied too.</p> <p>10 (A brief recess was taken.)</p> <p>11 (BY MR. SMITH)</p> <p>12 Q. So before we broke just then, you gave me</p> <p>13 some pay stubs that looked like CP pay stubs?</p> <p>14 A. Yes.</p> <p>15 Q. And you recall, when you were hourly, when</p> <p>16 the plant ownership changed from CP to Equity</p> <p>17 Group, your cost of your health insurance stayed</p> <p>18 the same, more or less?</p> <p>19 A. Yes.</p> <p>20 Q. And so during this time that you had the</p> <p>21 conversation with Greg Mills and Reb Bludsworth</p> <p>22 that you just described, they were taking out --</p> <p>23 A. \$47 a week.</p>
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<p>1 Q. Can I see that real quick?</p> <p>2 A. Yes, sir.</p> <p>3 Q. All right. That's with CP now. Was it the</p> <p>4 same with Equity Group?</p> <p>5 A. They basically had the same policy.</p> <p>6 Q. All of these look like CP.</p> <p>7 A. Equity Group picked up basically the same</p> <p>8 policy though.</p> <p>9 Q. So you don't remember any change between CP</p> <p>10 and Equity Group on what your benefits were</p> <p>11 costing you?</p> <p>12 A. No.</p> <p>13 Q. And I don't know. I'm just saying your</p> <p>14 recollection is it stayed the same?</p> <p>15 A. If it went up at all, it couldn't have went</p> <p>16 up much or I would have remembered.</p> <p>17 Q. Okay.</p> <p>18 MR. ROBERSON: Now you understand why</p> <p>19 his idiot lawyer may have sued the wrong defendant</p> <p>20 originally.</p> <p>21 MR. SMITH: Well, that's all you had,</p> <p>22 right? I'd like to copy these. Can I get</p> <p>23 somebody to copy these real quick, and then I'm</p>	<p>1 Q. -- \$47 a week for your health insurance?</p> <p>2 A. Yes.</p> <p>3 Q. And tell me what they told you, what they</p> <p>4 offered you at that time, as far as going to the</p> <p>5 cook plant.</p> <p>6 A. \$48,000 a year.</p> <p>7 Q. Okay.</p> <p>8 A. They would pay my medical and dental.</p> <p>9 Q. Okay.</p> <p>10 A. And a 401(k) plan.</p> <p>11 Q. Okay. How did the 48,000 -- just put the</p> <p>12 benefits aside. How did the 48,000 compare on to</p> <p>13 what you made on an hourly basis?</p> <p>14 A. It was a cut in pay.</p> <p>15 Q. It was?</p> <p>16 A. Yes.</p> <p>17 Q. How much of a cut in pay was it?</p> <p>18 A. About 6- or \$7,000 a year, approximately.</p> <p>19 Q. Okay. Were you aware of that at the time?</p> <p>20 I mean, when you were having that conversation,</p> <p>21 you did that math in your head?</p> <p>22 A. Well, I had the conversation with them --</p> <p>23 because I wouldn't have took the position. I</p>

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<p>1 didn't want the position, except they were cutting  2 out overtime. So my money would have dropped from  3 the 53-, or 54-, I made the year before, they  4 said, down to what I would make on 40 hours.  5 That's the only reason I took the salary  6 position, because I would have lost -- if they  7 went with the 40 hours week they told me, I  8 wouldn't make any overtime. Half my money was  9 made on overtime.  10 Q. Okay. What else did they tell you about the  11 job, as far as what your benefits would be? You  12 said they would pay medical, dental; and then how  13 much would they contribute to your 401(k)?  14 A. I don't remember the percentage at this  15 time.  16 Q. Were you participating in that 401(k) when  17 you were hourly?  18 A. No.  19 Q. Okay. So you weren't putting any money in  20 your retirement with the company?  21 A. No, sir.  22 Q. And then once you -- tell me what else they  23 said in regards to that offer to go to the cook</p>	<p>1 Q. Okay. And you started out, it looks like,  2 November 1 or so, of '04?  3 A. Yes.  4 Q. And who was under your supervision?  5 A. Josh Bradford --  6 Q. You may have told me that.  7 A. No, that was a different list.  8 Q. Okay.  9 A. Alan Carpenter, Ken Pelham. Did I mention  10 Josh Bradford already?  11 Q. Yeah.  12 A. Okay. Darrell -- I done forgot Darrell's  13 last name. McCartha. Darrell McCartha.  14 Q. These were all guys you recall being under  15 your supervision on maintenance?  16 A. Yes.  17 Q. And they were making hourly wages there;  18 they weren't on salary; is that correct?  19 A. Yes, they were hourly wages. And there was  20 Rex Faircloth.  21 Q. Okay. You've got some other people on here.  22 On your interrogatory answers, you mention a David  23 Griffin?</p>
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<p>1 plant.  2 A. They just told me it would be a great job  3 for me, that they needed me, and that I had  4 managed that same place before.  5 Q. Right. And what was the exact position now?  6 A. Third shift supervisor.  7 Q. Would that be over maintenance?  8 A. Yes. Third shift maintenance supervisor.  9 Q. Okay. Did they tell you it was a job where  10 you wouldn't have to clock in?  11 A. Yes.  12 Q. Okay. And is it a job where you could leave  13 if your work was done? I mean, you didn't have to  14 meet 40 hours a week necessarily, as long as you  15 got your work done; is that right?  16 A. They told me I needed to work basically 40  17 hours a week; that if everything was running good  18 and I wanted to leave early, I could.  19 Q. And what were the hours approximately? I  20 mean, when would you need to be there for work?  21 A. Ten until six.  22 Q. Ten to six?  23 A. 10 at night until 6 a.m.</p>	<p>1 A. That was a supervisor.  2 Q. He was a supervisor? And what did he  3 supervise?  4 A. I don't know his exact job title, but he  5 came in on new construction.  6 Q. What does that mean?  7 A. He came in when they were building the plant  8 and installing new fryers and stuff, to make sure  9 they worked okay. I believe he's an engineer over  10 the new equipment that comes in.  11 Q. Okay. And then you mention a Randy  12 Ogletree?  13 A. He was in maintenance at the first  14 processing.  15 Q. Okay. So when you got your first paycheck  16 -- well, let's talk about your first week on the  17 job, when you agreed to take it.  18 They offered it to you. They didn't tell  19 you they were eliminating your old position,  20 correct, your job in refrigeration maintenance?  21 That was a bad way to ask that.  22 You had the option to either take or decline  23 the job in the cook plant, correct?</p>



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<p>1 A. Yes.</p> <p>2 Q. Okay. And so you agreed to take it. Have</p> <p>3 you told me everything that was said in that</p> <p>4 conversation by Reb and Greg, where they offered</p> <p>5 you the job in the cook plant?</p> <p>6 A. Yes.</p> <p>7 Q. And so you agreed to take it?</p> <p>8 A. Yes. But I also came back within eight</p> <p>9 hours, after talking to my wife, and she told me I</p> <p>10 would be crazy to take it, because I would go back</p> <p>11 to third shift, which she hated me working, when I</p> <p>12 had a first shift job.</p> <p>13 I went back to Greg Mills and declined it;</p> <p>14 and he said, "I'm sorry; it's too late. This is</p> <p>15 your job now."</p> <p>16 Q. When was that?</p> <p>17 A. The same day it was offered to me and I</p> <p>18 agreed to take it.</p> <p>19 Q. Well, how would it be the same day? I mean,</p> <p>20 if they offered it to you, and then --</p> <p>21 A. I called my wife, during my break at lunch,</p> <p>22 and told her what I was offered.</p> <p>23 Q. All right. So your wife got upset with you</p>	<p>1 Tell me about the first week of work over there.</p> <p>2 Do you remember what day you started on?</p> <p>3 A. I don't remember the exact day.</p> <p>4 Q. All right. Well, let's go through the first</p> <p>5 week that you can recall working there. Tell me</p> <p>6 what you did and how long you worked.</p> <p>7 A. Came in a little bit early, probably 9:30.</p> <p>8 Q. Okay.</p> <p>9 A. We ran the lines until approximately 11:30,</p> <p>10 when we quit running chicken.</p> <p>11 Q. What were y'all doing?</p> <p>12 A. Making chicken tenders/strips for</p> <p>13 McDonald's.</p> <p>14 Q. And was this when the plant had just started</p> <p>15 back up?</p> <p>16 A. Yes.</p> <p>17 Q. So they hadn't been running any production</p> <p>18 in there since the Equity Group had bought it; is</p> <p>19 that right?</p> <p>20 A. They had run some tests on days and stuff,</p> <p>21 but not actual production on both shifts.</p> <p>22 Q. So they brought you back over there, and</p> <p>23 they were in the process of cranking that plant</p>
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<p>1 for taking a third shift?</p> <p>2 A. Right. Because I never could sleep good in</p> <p>3 the daytime. It's hard to sleep in the daytime</p> <p>4 with children at home.</p> <p>5 Q. Okay. And so tell me what you did after</p> <p>6 that phone call.</p> <p>7 A. I went back to Greg's office, explained to</p> <p>8 him that I had talked it over with my wife, and</p> <p>9 that I'd rather stay where I was. And he said it</p> <p>10 was too late. You're here; you're going to be the</p> <p>11 supervisor, and that's it.</p> <p>12 Q. Had you started working over there yet?</p> <p>13 A. No.</p> <p>14 Q. All right. So he essentially, you're</p> <p>15 saying, makes you stay in this job once you had</p> <p>16 accepted it, correct?</p> <p>17 A. Yes. He said, "You accepted it two hours</p> <p>18 ago. You're going to keep the job. You've got</p> <p>19 it. It's either that or you're out the gate." He</p> <p>20 said, "You're going to be it, because you're the</p> <p>21 best we've got. You've run this cook plant</p> <p>22 before, and we need you."</p> <p>23 Q. All right. And so you start over there.</p>	<p>1 back up; is that right?</p> <p>2 A. Right.</p> <p>3 Q. And it had been down for some period of</p> <p>4 time; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And they were cooking chicken nuggets? No.</p> <p>7 What were they cooking? What did you tell me?</p> <p>8 A. At that time, we were cooking the nuggets.</p> <p>9 Q. All right. So how many hours did you have</p> <p>10 to work the first week?</p> <p>11 A. Shoot, probably 90 hours.</p> <p>12 Q. All right. When you're on salary, do you</p> <p>13 get paid once a week or --</p> <p>14 A. Every two weeks.</p> <p>15 Q. Okay. So when you got your first paycheck,</p> <p>16 it would be two weeks after that, I guess; is that</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. And how many hours had you worked during</p> <p>20 that two weeks, that you can recall?</p> <p>21 A. Probably 170 hours.</p> <p>22 Q. In a two-week period?</p> <p>23 A. Yes.</p>

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<p>1 Q. And was that in November of 2004?</p> <p>2 A. Yes.</p> <p>3 Q. All right. And you got your paycheck. And</p> <p>4 how much was your paycheck?</p> <p>5 A. I don't remember exactly. Somewhere around</p> <p>6 -- I don't remember exactly. I think it was</p> <p>7 \$1500, something like that. I don't remember</p> <p>8 exactly.</p> <p>9 Q. And do you contend it would have been more</p> <p>10 if you would have been hourly?</p> <p>11 A. Definitely. My employees were taking home</p> <p>12 more than me.</p> <p>13 Q. The people under your supervision were</p> <p>14 taking home more?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What about your health insurance and</p> <p>17 dental and all that? Was that free at that time?</p> <p>18 I mean, was that provided as part of your</p> <p>19 compensation?</p> <p>20 A. They were paying that.</p> <p>21 Q. So they did do that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know how much they were paying for</p>	<p>1 they matched it. I don't remember exactly.</p> <p>2 Q. Did you participate in that?</p> <p>3 A. Yes.</p> <p>4 Q. Do you remember how much?</p> <p>5 A. I put in very little. I don't remember</p> <p>6 exactly.</p> <p>7 Q. But whatever you put in, did they match?</p> <p>8 A. I don't remember exactly.</p> <p>9 Q. I mean, do you remember having a problem</p> <p>10 with them not matching your 401(k)?</p> <p>11 A. I don't remember much about the 401(k), I</p> <p>12 was so busy working.</p> <p>13 Q. Okay. Let's go to the second half of</p> <p>14 November 2004. Tell me how many hours you think</p> <p>15 you worked.</p> <p>16 A. At least 80 hours a week.</p> <p>17 Q. And you were not clocking in?</p> <p>18 A. The first couple of weeks I did, because it</p> <p>19 was a force of habit to walk in and clock.</p> <p>20 Q. And that would have been in October?</p> <p>21 A. The first week or so of taking the</p> <p>22 supervisor position, David Griffin jokingly asked</p> <p>23 me if I was clocking in so they would keep up with</p>
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<p>1 that?</p> <p>2 A. The difference in what I used to pay was \$47</p> <p>3 a week.</p> <p>4 Q. Were you getting different coverage or was</p> <p>5 it the same?</p> <p>6 A. I'm thinking it was basically the same.</p> <p>7 Q. Do you know that for sure though?</p> <p>8 A. Only thing I know is I used to pay 47.50, I</p> <p>9 think it was, and then I didn't have to pay it no</p> <p>10 more.</p> <p>11 Q. Right. But I guess my question is: Did you</p> <p>12 get better family coverage as a salaried employee?</p> <p>13 A. I don't remember. I believe it was the same</p> <p>14 thing. I'd have to look back at the records to</p> <p>15 see. But as far as I know, it was the same thing.</p> <p>16 I never used it.</p> <p>17 Q. But it was Blue Cross?</p> <p>18 A. Yes.</p> <p>19 Q. And then you had dental coverage?</p> <p>20 A. Yes.</p> <p>21 Q. And then did they contribute some to your</p> <p>22 401(k)?</p> <p>23 A. If you put in a certain percentage, I think</p>	<p>1 my time, because I was putting in so many hours.</p> <p>2 And I said it was just a force of habit, clocking</p> <p>3 in and clocking out every day.</p> <p>4 Q. Okay. So it looks like all through November</p> <p>5 of '04, you were working 80 to 90 hours a week,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. What about December of '04? same thing?</p> <p>9 A. Somewhere along that time, James Bragg was</p> <p>10 having some marital problems; and he would come in</p> <p>11 late, so they would make me stay over.</p> <p>12 Q. Who would make you?</p> <p>13 A. Reb Bludsworth would tell me not to leave</p> <p>14 until the second shift supervisor came in.</p> <p>15 Q. Okay.</p> <p>16 A. The second shift supervisor wouldn't have to</p> <p>17 come in, I don't think, until approximately one</p> <p>18 o'clock.</p> <p>19 Q. So you're saying, in December, your hours</p> <p>20 went up?</p> <p>21 A. It was somewhere along the eight month</p> <p>22 period -- I'm not sure if it was December --</p> <p>23 somewhere around there, James was having some</p>

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<p>1 marital -- he was going through bankruptcy and a</p> <p>2 divorce. He was the first shift supervisor. So</p> <p>3 I, a lot of times, had to stay over and things.</p> <p>4 Q. Okay. At any time during your tenure as the</p> <p>5 third shift maintenance supervisor, did you work</p> <p>6 less than 45 hours a week?</p> <p>7 A. Never worked less than 45.</p> <p>8 Q. What's the least amount of hours you worked</p> <p>9 in a week during that time, from November of 2004</p> <p>10 to May of 2005?</p> <p>11 A. Approximately 75 to 80 hours.</p> <p>12 Q. You never worked less than that?</p> <p>13 A. No. I had to be there seven days a week.</p> <p>14 Q. Okay. And tell me about any complaints you</p> <p>15 made about the number of hours you were working.</p> <p>16 Tell me who you complained to and when it was and</p> <p>17 what was said.</p> <p>18 A. I complained to Reb Blutsworth, Greg Mills,</p> <p>19 and Kathy Gilmore.</p> <p>20 Q. Okay. And tell me when that -- if you</p> <p>21 could, just tell me when you made those</p> <p>22 complaints.</p> <p>23 A. It was probably after being the supervisor</p>	<p>1 What he would tell me was, "Give it another</p> <p>2 couple weeks. We'll get this machinery running</p> <p>3 better, get people more trained, and things will</p> <p>4 work out." But it just never happened.</p> <p>5 Q. Well, I mean, you had started plants before,</p> <p>6 hadn't you, in your career?</p> <p>7 A. Yes.</p> <p>8 Q. And you would agree that it takes time to</p> <p>9 get things running right, doesn't it?</p> <p>10 A. Yes, sometimes.</p> <p>11 Q. And so is that the process they were going</p> <p>12 through during that period of time?</p> <p>13 A. It wasn't just the plant being running. The</p> <p>14 plant could be running fine, and they would tell</p> <p>15 me to stay over because the first shift supervisor</p> <p>16 didn't show up; so I ended up pulling both shifts.</p> <p>17 Then there was a ten-day period the man was</p> <p>18 out. The first supervisor was out because of a</p> <p>19 knee operation, and I ended up pulling both</p> <p>20 shifts. I complained that it should have been</p> <p>21 split between the two supervisors, to be fair.</p> <p>22 Q. Who did you complain to about that?</p> <p>23 A. Reb Blutsworth.</p>
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<p>1 for over three months. I can't remember the exact</p> <p>2 dates.</p> <p>3 Q. So you think you had been in there two or</p> <p>4 three months before you started complaining?</p> <p>5 A. I complained a little bit to start with, but</p> <p>6 not officially, you know. I just said, "Hey, man,</p> <p>7 this ain't what y'all promised."</p> <p>8 Q. Who did you tell that to?</p> <p>9 A. Reb Blutsworth.</p> <p>10 Q. How did he respond?</p> <p>11 A. He said, "Oh, man, come on, hang in there</p> <p>12 for me. I need you."</p> <p>13 Q. All right. Anything else he said, that you</p> <p>14 can remember?</p> <p>15 A. Just that things would get better later.</p> <p>16 Q. All right. And so do you remember when</p> <p>17 those first complaints to Reb were?</p> <p>18 A. The first month I was supervising.</p> <p>19 Q. And you call those unofficial complaints?</p> <p>20 A. Well, what I mean was I didn't go over his</p> <p>21 head or anything complaining about it. I believed</p> <p>22 -- I tried to believe what the man told me, that</p> <p>23 things would get better.</p>	<p>1 Q. And what did he say?</p> <p>2 A. He said, "I've asked Charlie to come in</p> <p>3 early, but you can't leave until he shows up or I</p> <p>4 give you permission."</p> <p>5 Q. Well, did Charlie ever start coming in</p> <p>6 early?</p> <p>7 A. Sometimes he'd show up around 12:30,</p> <p>8 lunchtime. Maybe 30 minutes early than the</p> <p>9 regular shift.</p> <p>10 Q. Well, is he still working out there?</p> <p>11 A. I really don't know who's working out there</p> <p>12 and who isn't at this time.</p> <p>13 Q. Well, when you left, was he working out</p> <p>14 there?</p> <p>15 A. Yes, he was.</p> <p>16 Q. Okay. And your guys on your crew, were they</p> <p>17 working the same hours you were?</p> <p>18 A. No, sir. They would get to go, once things</p> <p>19 got up running okay. Then I would have to stay.</p> <p>20 Q. So you're saying you worked longer than the</p> <p>21 people on your crew?</p> <p>22 A. Yes, sir.</p> <p>23 Q. All right. Do you know of any kind of</p>

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<p>1 record we could look at that showed how long you</p> <p>2 worked on a weekly basis, while you were on</p> <p>3 salary?</p> <p>4 A. There wouldn't be a record, because they</p> <p>5 told me not to clock in and out.</p> <p>6 Q. Right. Well, you were on salary if you</p> <p>7 weren't getting paid by the hour, correct?</p> <p>8 A. Right.</p> <p>9 Q. But do you have any personal record that you</p> <p>10 kept? Any kind of notes or anything?</p> <p>11 A. I'd have to look back at the house. At one</p> <p>12 time I was jotting down some of the hours I</p> <p>13 worked. Because I'd jot down three weeks' worth</p> <p>14 and show it to Reb and say, "Hey, this is what I</p> <p>15 worked, man; this ain't right."</p> <p>16 Q. And how would he --</p> <p>17 A. And I also knew that the company in Eufaula,</p> <p>18 the same company owns the one in Camilla. And a</p> <p>19 supervisor over there, if he has to work</p> <p>20 Saturdays, got approximately \$100 bonus.</p> <p>21 Q. Okay. Did you not get any bonuses?</p> <p>22 A. No. I was told later, approximately a month</p> <p>23 after I was terminated, a supervisor called me and</p>	<p>1 supervisor?</p> <p>2 A. Probably eight or ten times.</p> <p>3 Q. Okay. And what would his response be?</p> <p>4 Would he have the same response for you every time</p> <p>5 or did it change?</p> <p>6 A. He kept telling me that he needed me in</p> <p>7 there because I knew more about the equipment;</p> <p>8 they've already sent me to school on the</p> <p>9 equipment; and if it was down or tore up, he</p> <p>10 needed me there; that he had to keep his job, and</p> <p>11 the only way he was going to keep his job was to</p> <p>12 keep that plant running and keep down time down.</p> <p>13 Q. Okay. When did they send you to school?</p> <p>14 A. Probably two months before I was terminated.</p> <p>15 They sent me to school in Camilla and Albany.</p> <p>16 Q. All right. How long were you -- were you at</p> <p>17 the plant over there?</p> <p>18 A. We took a week's class over at that plant,</p> <p>19 approximately a week. We went to training over</p> <p>20 there, and then we came and worked on the</p> <p>21 equipment there at Baker Hill, with the teacher.</p> <p>22 Q. All right. And so that was in, what, March</p> <p>23 of 2005?</p>
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<p>1 said, "Hey, all the complaining you did finally</p> <p>2 worked for us; sorry it couldn't work for you.</p> <p>3 They've now put in a policy where, if we work</p> <p>4 over, we get a bonus."</p> <p>5 Q. And who told you that?</p> <p>6 A. Terrance Skinner.</p> <p>7 Q. And he was working in Camilla?</p> <p>8 A. No. He was working in Eufaula.</p> <p>9 Q. Oh, okay. I misunderstood.</p> <p>10 A. A supervisor in Eufaula called and told me</p> <p>11 that, "Since you complained and all, they've</p> <p>12 started giving us a bonus if we have to work on</p> <p>13 the weekends."</p> <p>14 Q. When was that?</p> <p>15 A. Approximately a month after I was</p> <p>16 terminated.</p> <p>17 MR. ROBERSON: We're going to call that</p> <p>18 the Blocker Bonus.</p> <p>19 Q. All right. And so tell me the next</p> <p>20 complaint you made either to -- you made an</p> <p>21 initial complaint to Reb.</p> <p>22 How many times would you say you complained</p> <p>23 to Reb during your employment there, as a salaried</p>	<p>1 A. Approximately. I couldn't tell you exact</p> <p>2 dates.</p> <p>3 Q. Okay. And so the complaint about your</p> <p>4 overtime to Reb, where he talked about your</p> <p>5 training, that would have to be at least after</p> <p>6 March, right?</p> <p>7 A. I complained before then, yes.</p> <p>8 Q. How many times did you complain before then?</p> <p>9 A. I don't remember exactly. Eight or ten</p> <p>10 times to Reb. But then I was suspended, with all</p> <p>11 three supervisors on my shift: the sanitation,</p> <p>12 the QA, and myself.</p> <p>13 Q. What were you suspended for?</p> <p>14 A. They said improper lock out and tag out.</p> <p>15 Q. Did they train you on lock out and tag out?</p> <p>16 A. Yes. But when I complained to Reb that I</p> <p>17 wasn't actually at fault on this, he said that he</p> <p>18 had to cover his job; and they suspended all three</p> <p>19 supervisors.</p> <p>20 Q. Well, tell me what happened. Go through</p> <p>21 that for me.</p> <p>22 A. A person crawled into a machine that</p> <p>23 shouldn't have, and there was chemicals and all in</p>

18 (Pages 69 to 72)

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<p>1 the machine. And I had called the safety</p> <p>2 director, Harry Wilson, at home, and reported that</p> <p>3 they weren't following by procedure.</p> <p>4 Q. What do you mean, "by procedure"?</p> <p>5 A. They put a man inside a tank, basically --</p> <p>6 Q. Who is "they"?</p> <p>7 A. The sanitation director.</p> <p>8 Q. Okay.</p> <p>9 A. -- to clean it. And that's a confined</p> <p>10 space. I've been to school on it, and you have to</p> <p>11 have a confined space permit. And maintenance had</p> <p>12 to pull the man out when he quit breathing.</p> <p>13 Q. All right. What was that guy's name?</p> <p>14 A. I don't know his name.</p> <p>15 Q. Was that during your shift?</p> <p>16 A. Yes.</p> <p>17 Q. Was it a maintenance man in there cleaning</p> <p>18 up?</p> <p>19 A. No. It was a sanitation worker, Hispanic.</p> <p>20 Q. Whose responsibility is it to do the lock</p> <p>21 out and tag out?</p> <p>22 A. The maintenance locks out, but also the</p> <p>23 workers cleaning on the equipment. Whoever is</p>	<p>1 Q. Okay.</p> <p>2 A. It was a new piece of equipment, and we</p> <p>3 weren't trained on the equipment to know how</p> <p>4 everything worked.</p> <p>5 Q. So when was that one, in relation to the guy</p> <p>6 crawling in the machine? Was it before or after?</p> <p>7 A. It was during the same day, I believe.</p> <p>8 Q. What approximate month was that?</p> <p>9 A. You've got a document on that.</p> <p>10 Q. Yeah, I think I do. Let's look at that.</p> <p>11 (Defendant's Exhibit No. 1 was</p> <p>12 marked for identification and a</p> <p>13 copy of the same is attached</p> <p>14 hereto.)</p> <p>15 Q. I've marked as Exhibit 1 a Corrective Action</p> <p>16 Form dated May 2, 2005.</p> <p>17 See if you remember seeing that and signing</p> <p>18 that.</p> <p>19 A. Yes, I do.</p> <p>20 Q. Okay. And this is what you testified about</p> <p>21 earlier, when you were suspended along with the</p> <p>22 sanitation supervisor and the QA supervisor?</p> <p>23 A. Right.</p>
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<p>1 working on the equipment is supposed to lock it</p> <p>2 out also.</p> <p>3 Q. So everybody had a tag?</p> <p>4 A. Everybody's issued a lock and a tag.</p> <p>5 Q. And they trained you on lock out and tag</p> <p>6 out, correct?</p> <p>7 A. We went to a little class on it.</p> <p>8 Q. Okay. Wouldn't that be training?</p> <p>9 A. Yes.</p> <p>10 Q. So they teach you about locking out and</p> <p>11 tagging out before you work on a machine or clean</p> <p>12 a machine, correct?</p> <p>13 A. Yes.</p> <p>14 Q. So do I understand that some hourly worker</p> <p>15 that was cleaning didn't lock out and tag out, and</p> <p>16 got inside a machine?</p> <p>17 A. That's one incident, yes.</p> <p>18 Q. Were there others?</p> <p>19 A. They had locked out the electrical, but</p> <p>20 there was an airline; and they didn't lock all</p> <p>21 three sources out one time.</p> <p>22 Q. Who is "they"?</p> <p>23 A. The QA person and the sanitation person.</p>	<p>1 Q. So it wasn't just you?</p> <p>2 A. Right.</p> <p>3 Q. They got all the supervisory people on duty</p> <p>4 at that time; is that what happened?</p> <p>5 A. Yes.</p> <p>6 Q. Y'all all got suspended?</p> <p>7 A. Yes. But at this time, the QA supervisor --</p> <p>8 all of us were suspended for three days.</p> <p>9 And I went to Kathy Gilmore and said, "This</p> <p>10 can't be correct. I'm suspended for three days.</p> <p>11 And you've cut my pay based on a five-day work</p> <p>12 week. But yet you want me to work the next four</p> <p>13 days this week."</p> <p>14 Q. All right. I'm not following that.</p> <p>15 A. Okay. They told me my pay is based on 40</p> <p>16 hours, Kathy Gilmore did.</p> <p>17 Q. When did she tell you that?</p> <p>18 A. When my check came out, after this</p> <p>19 suspension.</p> <p>20 Q. So you were arguing they suspended you and</p> <p>21 then sent you a reduced paycheck; and you went to</p> <p>22 her to complain about that part of it?</p> <p>23 A. Yeah. And my boss, Reb. Because they're</p>

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<p>1 telling me they base my pay on 40 hours. And they</p> <p>2 suspend me for three days, so they take three</p> <p>3 days' pay, 60 percent of my pay out; and then tell</p> <p>4 me straight out that that's what they're doing,</p> <p>5 but want me to work the next four days of that</p> <p>6 week. I said, "This isn't right. How do you</p> <p>7 expect me to work for two days' pay and work four</p> <p>8 days?"</p> <p>9 Q. So you had a beef with them about how much</p> <p>10 they were reducing your pay as a result of this</p> <p>11 suspension?</p> <p>12 A. Yes, sir. I told them that I had no problem</p> <p>13 with working two days that week. But you're</p> <p>14 telling me to work four, and I'm not getting paid</p> <p>15 for it.</p> <p>16 Q. Were the other people treated the same way,</p> <p>17 or do you know?</p> <p>18 A. The sanitation director was also treated the</p> <p>19 same way; but the QA was only working five days,</p> <p>20 so it wasn't no big deal. She got suspended for</p> <p>21 three days, worked two days, and got two days'</p> <p>22 pay.</p> <p>23 Q. Okay. Who brought -- who counseled you on</p>	<p>1 A. That was it.</p> <p>2 Q. Okay. Did they mention overtime in any way?</p> <p>3 A. Not at that time.</p> <p>4 Q. Did they mention any complaints you had made</p> <p>5 in any way?</p> <p>6 A. No.</p> <p>7 Q. And they treated, at least, the sanitation</p> <p>8 supervisor the same as you, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Who was that person?</p> <p>11 A. I don't remember his name.</p> <p>12 Q. What about the QA supervisor?</p> <p>13 A. Glenda. I don't remember her last name.</p> <p>14 Her first name is Glenda.</p> <p>15 Q. Okay.</p> <p>16 A. You've got her name written in one of these</p> <p>17 reports somewhere.</p> <p>18 Q. Okay. In one of these write-up things?</p> <p>19 A. (Witness nods head.)</p> <p>20 Q. Okay. All right. So I take it then you</p> <p>21 complained, once you got your check, after this</p> <p>22 write-up on the lock out and tag out, you</p> <p>23 complained that they had taken out too much?</p>
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<p>1 this? I can't read that writing, that supervisor.</p> <p>2 Is that Reb?</p> <p>3 A. Reb and Kathy were in the office. It must</p> <p>4 be Reb's signature.</p> <p>5 Q. This was on May 2nd when you were in the</p> <p>6 office with them? It says up there May 2nd;</p> <p>7 that's what I'm going by.</p> <p>8 A. Yes, sir.</p> <p>9 Q. Tell me what was said to you.</p> <p>10 A. That that's the way it was. I work the</p> <p>11 hours they tell me, and that was the way it was</p> <p>12 going to be. If I didn't like it, go find another</p> <p>13 job.</p> <p>14 Q. Well, when did you know -- I mean, when you</p> <p>15 initially got counseled over the lock out and tag</p> <p>16 out, you'll weren't discussing your pay at that</p> <p>17 time, or were you?</p> <p>18 A. No.</p> <p>19 Q. Okay. What did they tell you on that</p> <p>20 initial conversation about why you were being</p> <p>21 written up?</p> <p>22 A. For the lock out/tag out procedure.</p> <p>23 Q. Anything else?</p>	<p>1 A. Yes. I told them it wasn't fair for me to</p> <p>2 have to work over 40 hours a week if they were</p> <p>3 going to base my pay on 40.</p> <p>4 Q. And who did you take that complaint to?</p> <p>5 A. I went to Reb Blutsworth. And I told him, I</p> <p>6 said, "Look, Reb, I'm sorry, but according to</p> <p>7 company procedure, if I don't agree with you and I</p> <p>8 think I'm being mistreated, I need to go to your</p> <p>9 boss, even though I know that's your hometown</p> <p>10 buddy."</p> <p>11 And I went from there straight to Greg</p> <p>12 Mills' office.</p> <p>13 Q. All right. Tell me about that conversation.</p> <p>14 A. Greg told me that that's the way things</p> <p>15 work; that he didn't want to deal with me; that I</p> <p>16 need to go back and talk to Reb; what happens</p> <p>17 between him and me is his business.</p> <p>18 And I informed Greg, I said, "Greg, just to</p> <p>19 make this official, I want to let you know that</p> <p>20 I'm leaving your office; I will go back to Reb and</p> <p>21 tell him what you said, but I'm going to speak to</p> <p>22 Kathy Gilmore."</p> <p>23 Q. What did you tell Greg though specifically?</p>

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1 I mean, tell me what the complaint you made to him  
2 was.  
3 A. That I was tired. I worked 80, 90 hours  
4 week, and yet my pay is based on 40. And if you  
5 suspend me, you base my pay on 40. You guaranteed  
6 me when I took the job that I would only have to  
7 work 40 to 45 hours a week. And I'm exhausted.  
8 Q. Did you ever, prior to that time, May 2nd,  
9 did you ever complain to Greg Mills about how many  
10 hours you were working?  
11 A. Yes.  
12 Q. All right. Tell me about those.  
13 A. He had came by and asked me how things were  
14 going, and I told him I was working too many hours  
15 for what was promised.  
16 Q. And what did he say to that?  
17 A. Oh, it will get better one day, don't you  
18 worry; just stick it on in there; we need you.  
19 Q. All right. Anything else he said?  
20 A. That was it.  
21 Q. All right. And back to this May 2nd. After  
22 this May 2nd counseling, he just essentially sent  
23 you back to Reb?

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1 A. Yes, sir.  
2 Q. Tell me what else he said to you during that  
3 meeting that you haven't already told me about.  
4 A. I explained to him that, at least at the  
5 sister plant over here in Camilla, if a supervisor  
6 had to work that kind of hours, they were given a  
7 bonus.  
8 Q. And how did you know that?  
9 A. They sent me to Camilla to school, and the  
10 guys told me.  
11 Q. That's when you learned that --  
12 A. Yeah. That's when I found out the hourly  
13 rate at that company was higher than the company I  
14 worked at.  
15 Q. So you found that out from that plant, not  
16 from the plant here where you worked?  
17 A. Yes.  
18 Q. Was anybody in your plant getting any kind  
19 of bonus for working extra? any kind of salaried  
20 supervisor, that you know of?  
21 A. The sanitation supervisor would get some  
22 days off.  
23 Q. Who was his boss?

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1 A. I can't remember his name right now.  
2 Q. Okay. And do you know of anybody that was a  
3 maintenance supervisor --  
4 MR. SMITH: Let me strike that.  
5 Q. Did a maintenance supervisor, in the fresh  
6 plant or the processing plant, make the same  
7 salary as you did when you were a maintenance  
8 supervisor?  
9 A. I don't know exactly, but I was told they  
10 were making the same thing.  
11 Q. Do you know if they got any kind of bonuses  
12 over there?  
13 A. They didn't get any bonuses at that time  
14 either.  
15 Q. So it was the same way as with you?  
16 A. But they weren't working with as many hours  
17 as I was having to.  
18 Q. Okay. And you were in the start-up mode in  
19 the plant; is that correct?  
20 A. After eight months, I would figure the  
21 start-up mode was over.  
22 Q. Well, you'd been there -- I mean, tell me  
23 when you would have figured it was over. Because,

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1 I mean, it sounds like you went October to May;  
2 that's seven months. And they wanted you -- are  
3 you talking about in May of --  
4 A. The first month I didn't complain because I  
5 said, you know, we're trying to build this thing  
6 up.  
7 Q. Right.  
8 A. But after that, I felt that I was being done  
9 wrong. That's when I started complaining.  
10 Q. In November or December?  
11 A. Yes. Because they said, "Oh, it's normal  
12 for start-up." I said, "Man, start-up's been  
13 over. We've got people quitting because of the  
14 overtime."  
15 Q. Tell me who quit because of the overtime.  
16 A. Michael Johnson quit because of the  
17 overtime.  
18 Q. Was he under you?  
19 A. No. That was before.  
20 Q. All right. Who else?  
21 A. I really don't remember all the people that  
22 quit. I couldn't tell you the names right now.  
23 Q. Okay. I know we're jumping around a little

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<p>1 bit, but that's how it goes sometimes.</p> <p>2 Back to this May 2nd Corrective Action Form.</p> <p>3 You went to complain to Reb about how much they</p> <p>4 took out of your pay?</p> <p>5 A. Yes.</p> <p>6 Q. And then he sent you over to Greg? Or you</p> <p>7 went to Greg; he didn't send you?</p> <p>8 A. He didn't want me to go to Greg.</p> <p>9 Q. You went over to Greg though?</p> <p>10 A. But I explained to him -- I didn't want to</p> <p>11 do nothing behind someone's back. I explained to</p> <p>12 him what I was going to do.</p> <p>13 Q. All right. And then Greg sent you back to</p> <p>14 Reb.</p> <p>15 A. Yes.</p> <p>16 Q. And tell me about that conversation.</p> <p>17 A. I didn't go directly back to Reb. I told</p> <p>18 Greg instead of going right back to Reb, which was</p> <p>19 a dead-end, I was going to make sure it was</p> <p>20 officially reported to HR.</p> <p>21 Q. All right. And so then you go to see Kathy?</p> <p>22 A. No. I actually went to see Kathy's boss,</p> <p>23 who had just hired on, who wouldn't know the</p>	<p>1 A. Right.</p> <p>2 Q. All right. Tell me who those people were.</p> <p>3 A. Charlie Smith, Charlie Mobley. Certain</p> <p>4 people were treated a little different.</p> <p>5 Q. And what jobs were those guys in?</p> <p>6 A. Charlie Smith was a supervisor; Butch</p> <p>7 White's boy, they treated him a little different</p> <p>8 than some. You know what I mean?</p> <p>9 Q. Uh-huh.</p> <p>10 A. He could walk off the job mad and come back,</p> <p>11 and nothing would be said, you know. Just little</p> <p>12 things.</p> <p>13 Q. Were, I mean, are these people that worked</p> <p>14 maintenance?</p> <p>15 A. Yes.</p> <p>16 Q. And who was their direct supervisor?</p> <p>17 A. Sometimes it was Billy Kelly; sometimes it</p> <p>18 was -- they were all basically working with Reb</p> <p>19 though. Reb or Greg.</p> <p>20 Q. Okay. And they were working overtime too?</p> <p>21 A. I really don't know what kind of hours for</p> <p>22 sure they were working.</p> <p>23 Q. All right. Let's go back to when you went</p>
Page 86	Page 88
<p>1 political stuff of the plant. And he told me that</p> <p>2 he felt that I should go talk to Kathy.</p> <p>3 Q. Was that Jim Vice?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Tell me about the political stuff in</p> <p>6 the plant. What does that mean?</p> <p>7 A. Well, you know, certain people were in like</p> <p>8 a click, you call it. You know, a buddy-buddy</p> <p>9 system.</p> <p>10 Q. Who would that be?</p> <p>11 A. Just certain groups of people. Like Reb and</p> <p>12 Greg all went to school together, you know.</p> <p>13 Q. So they were friends; is that what you're</p> <p>14 saying?</p> <p>15 A. Yeah. What I'm saying is, it was always</p> <p>16 like that. Certain folks got treated a little</p> <p>17 different.</p> <p>18 Q. Like who?</p> <p>19 A. Well, like, Reb, Greg.</p> <p>20 Q. Who treated them differently?</p> <p>21 A. Reb and Greg treated certain people a little</p> <p>22 different than others.</p> <p>23 Q. Treated certain people under them?</p>	<p>1 to see Kathy Gilmore about this. And I take it</p> <p>2 you went to see her because you thought they had</p> <p>3 taken too much out of your paycheck for the</p> <p>4 suspension?</p> <p>5 A. It wasn't just that. I thought that I</p> <p>6 shouldn't have to stay over and work that many</p> <p>7 hours.</p> <p>8 Q. All right. Tell me what she said when you</p> <p>9 went to see her.</p> <p>10 A. She told me Reb was in charge of scheduling,</p> <p>11 and she would get a meeting with us. Then we had</p> <p>12 a meeting, and she said, "Well, Reb's in charge of</p> <p>13 scheduling. If he tells you to work, you've got</p> <p>14 to be there."</p> <p>15 Q. Okay. Anything else?</p> <p>16 A. That's all she said.</p> <p>17 Q. Who else was at that meeting?</p> <p>18 A. Just the three of us.</p> <p>19 Q. So she essentially told you, Reb's the boss;</p> <p>20 if he says you've got to work, you've got to work?</p> <p>21 I mean, is that kind of how that went?</p> <p>22 A. Yes.</p> <p>23 Q. What did you do after that, in the way of</p>

22 (Pages 85 to 88)



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<p>1 complaining?</p> <p>2 A. A couple of the other supervisors -- one of</p> <p>3 them was Terrance Skinner -- said, "Man, you</p> <p>4 shouldn't have went to Greg; you'll probably be</p> <p>5 terminated."</p> <p>6 And I loaded my toolbox up that day in case</p> <p>7 I was. Two weeks later, approximately, I was</p> <p>8 terminated.</p> <p>9 Q. Where was Terrance Skinner when he told you</p> <p>10 that?</p> <p>11 A. In the maintenance office. He told me,</p> <p>12 that, you know, you don't go over people's head</p> <p>13 around here without paying for it. I should have</p> <p>14 handled it a different way, he said.</p> <p>15 Q. So do you think part of the reason you got</p> <p>16 terminated was because you went over Reb's head?</p> <p>17 A. Well, Reb was furious and so was Greg. How</p> <p>18 dare I talk about leaving the company and stuff.</p> <p>19 Because I told them I was burnt out.</p> <p>20 Q. So you told them -- I didn't hear you say</p> <p>21 that earlier.</p> <p>22 Did you tell them you were going to quit</p> <p>23 your job?</p>	<p>1 took the job.</p> <p>2 Q. And then what did they say about going back</p> <p>3 to refrigeration?</p> <p>4 A. They told me once you become a supervisor,</p> <p>5 it's either you do this job or you're out the</p> <p>6 gate; there is no going back.</p> <p>7 Q. Do you know of any other supervisors that</p> <p>8 went back to hourly?</p> <p>9 A. No, I don't.</p> <p>10 Q. Do you understand that to be sort of the</p> <p>11 policy?</p> <p>12 A. I don't know what the policy is.</p> <p>13 Q. Or the practice, or whatever you want to</p> <p>14 call it.</p> <p>15 A. I didn't know what kind of policy the</p> <p>16 company had. I never got a chance to -- I had</p> <p>17 planned at the time -- at the time, the CEO was</p> <p>18 Spence Jernigan.</p> <p>19 Some people told me I should have talked to</p> <p>20 him to see what the policy was; go over Kathy's</p> <p>21 head and go on to the plant manager. And that was</p> <p>22 the plan I had that I was going to do, but I never</p> <p>23 got to talk to him. I was terminated before I</p>
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<p>1 A. I told them that I couldn't afford to quit</p> <p>2 my job, but I would start looking elsewhere.</p> <p>3 Q. So they knew you were going to be looking</p> <p>4 for another job then?</p> <p>5 A. I told them if I had to keep working that</p> <p>6 many hours, there was no way I could stay.</p> <p>7 Q. Did you ever start looking for another job?</p> <p>8 A. I went and put in an application in Dawson,</p> <p>9 Georgia. That was right after I got terminated.</p> <p>10 Excuse me.</p> <p>11 Q. Did you look for one before you were</p> <p>12 terminated?</p> <p>13 A. Didn't have time to. You work that many</p> <p>14 hours, you're so tired, all you can do is sleep.</p> <p>15 Q. But you told them you wanted to go get</p> <p>16 another job, it sounds like; is that correct?</p> <p>17 A. It was basically a threat, hoping to cut</p> <p>18 back on some of the overtime.</p> <p>19 Q. So you threatened to leave your employment</p> <p>20 with Equity Group?</p> <p>21 A. I stated that I didn't want to; that I would</p> <p>22 like to go back to refrigeration or something;</p> <p>23 that this just wasn't what I was promised when I</p>	<p>1 could.</p> <p>2 Q. Well, you had between May 2nd and -- what</p> <p>3 day were you terminated? May 17th?</p> <p>4 A. Uh-huh.</p> <p>5 Q. You had 15 days.</p> <p>6 A. It's kind of hard, when you're working that</p> <p>7 many hours, to even stay awake when you go home.</p> <p>8 And it's hard to come to a man that important to</p> <p>9 get a time to speak to him.</p> <p>10 Q. Okay. And you feel like that Reb and Greg</p> <p>11 were mad at you for getting outside of the chain</p> <p>12 of command, so to speak, on complaining about your</p> <p>13 overtime?</p> <p>14 MR. ROBERSON: Object to the form.</p> <p>15 A. Yes.</p> <p>16 Q. Okay. After May 2nd, when you talked to --</p> <p>17 you had that conversation with Kathy Gilmore and</p> <p>18 Reb, where Kathy essentially told you that Reb set</p> <p>19 your hours -- I mean, is that what he -- I don't</p> <p>20 want to put words in your mouth.</p> <p>21 A. Kathy Gilmore explained to me that she had</p> <p>22 already talked to Reb; Reb was in charge of</p> <p>23 scheduling, so I have to work the hours he tells</p>

23 (Pages 89 to 92)

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Page 93	<p>1 me.</p> <p>2 Q. Okay. What else was said during that</p> <p>3 conversation?</p> <p>4 A. That was it.</p> <p>5 Q. And did that occur on May 2nd?</p> <p>6 A. No. I believe it happened a little while</p> <p>7 after that. I can't give you the exact date.</p> <p>8 Q. I guess it would be when your paycheck came</p> <p>9 out; is that when it was?</p> <p>10 A. Approximately. I don't remember the exact</p> <p>11 date.</p> <p>12 Q. And you don't remember anything else said in</p> <p>13 that conversation?</p> <p>14 A. No. It was a very short meeting.</p> <p>15 Q. And you've told me everything you told Kathy</p> <p>16 during that meeting, correct?</p> <p>17 A. As far as I can remember.</p> <p>18 Q. All right. And did you have any other</p> <p>19 complaints that you made to Kathy Gilmore at any</p> <p>20 time?</p> <p>21 A. Not that I can remember.</p> <p>22 Q. None before?</p> <p>23 A. I don't remember going to Kathy about that,</p>	Page 95	<p>1 Q. All right. When was that?</p> <p>2 A. A couple days after this, he left me, told</p> <p>3 me not to leave the plant until he told me to</p> <p>4 leave.</p> <p>5 Q. Okay.</p> <p>6 A. And it was like one o'clock, and I tried to</p> <p>7 reach Reb, and they told me he wasn't even on the</p> <p>8 job site.</p> <p>9 And David Griffin told me, he said, "Look,</p> <p>10 I'm telling you, you ought to talk to Spence</p> <p>11 Jernigan. You're being mistreated." He said,</p> <p>12 "They can't fire you. You ought to just go on</p> <p>13 home."</p> <p>14 I said, "Well, I was told to stay here until</p> <p>15 he got here." David Griffin said, "They're</p> <p>16 playing you. Go on home. They can't fire you for</p> <p>17 this."</p> <p>18 Q. For what?</p> <p>19 A. For leaving. It's one o'clock in the</p> <p>20 afternoon; I've been there since ten o'clock at</p> <p>21 night.</p> <p>22 Q. Right. Was he right about that?</p> <p>23 A. I don't know.</p>
Page 94	<p>1 no.</p> <p>2 Q. And none after that? I mean, that's the one</p> <p>3 time you've talked to Kathy and the complaint was,</p> <p>4 when you were suspended, they cut too much out of</p> <p>5 your paycheck; is that correct?</p> <p>6 A. I went to her that time. I also went to her</p> <p>7 when I complained about the overtime.</p> <p>8 Q. That's what I'm trying to get to. When was</p> <p>9 that?</p> <p>10 A. I can't remember the exact dates, but it was</p> <p>11 more than once.</p> <p>12 Q. And you don't know when that occurred?</p> <p>13 A. Somewhere during that time frame. Right</p> <p>14 after this incident here.</p> <p>15 Q. It was after the May 2nd counseling?</p> <p>16 A. Yes.</p> <p>17 Q. But you don't know when?</p> <p>18 A. I couldn't give you the exact date, no, sir.</p> <p>19 It's hard to remember back three years.</p> <p>20 Q. All right. Did you make any more complaints</p> <p>21 to Reb or Greg, other than the ones you've told me</p> <p>22 about?</p> <p>23 A. Just to Reb.</p>	Page 96	<p>1 Q. I mean, did you ever leave early when you</p> <p>2 felt like you shouldn't have?</p> <p>3 A. My schedule was supposed to have been from</p> <p>4 ten o'clock at night until six in the morning. If</p> <p>5 I left at one o'clock the next afternoon, I had</p> <p>6 already been there almost 16 hours.</p> <p>7 Q. Well, nobody would fault you for that, would</p> <p>8 they?</p> <p>9 A. Reb would. He told me not to leave until he</p> <p>10 told me I could.</p> <p>11 Q. And that was after you had been on a shift?</p> <p>12 A. Yes.</p> <p>13 Q. And then you stayed extra?</p> <p>14 A. Right.</p> <p>15 Q. And that's when Terrance Skinner said,</p> <p>16 "Don't worry; go ahead and leave"?</p> <p>17 A. No. That was David Griffin.</p> <p>18 Q. I'm sorry.</p> <p>19 A. David Griffin told me I ought to speak to</p> <p>20 Spence Jernigan.</p> <p>21 Q. Okay. And you never did go to see Spence?</p> <p>22 A. I went by his house one time, because he</p> <p>23 lived right beside me almost.</p>

24 (Pages 93 to 96)

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<p>1 Q. Tell me what happened.</p> <p>2 A. He was busy at the time. I didn't want to</p> <p>3 talk to a man with his wife there and interrupt a</p> <p>4 family deal.</p> <p>5 Q. When was that?</p> <p>6 A. It was somewhere after the May 2nd issue.</p> <p>7 Q. Okay. Any other complaints about overtime</p> <p>8 that you made that you haven't told me about?</p> <p>9 A. Just that the next morning or the next day I</p> <p>10 told Reb that was sure convenient for him to leave</p> <p>11 the job site and go somewhere else, knowing that</p> <p>12 he wasn't going to be there to tell me to leave; I</p> <p>13 thought he done me wrong. He just laughed.</p> <p>14 Q. What did he say?</p> <p>15 A. He just laughed, and walked on.</p> <p>16 Q. Did you complain to anybody about that</p> <p>17 incident, other than Reb?</p> <p>18 A. No, sir.</p> <p>19 Q. Okay. Is that it for complaints about your</p> <p>20 work hours? I'm just trying get -- I'm not trying</p> <p>21 to belabor the point; I'm trying to make sure I've</p> <p>22 got all the complaints that you made.</p> <p>23 A. I had talked with David Griffin about it.</p>	<p>1 A. I talked with Joe about it. Me and Joe</p> <p>2 talked regular.</p> <p>3 Q. Where did Joe work?</p> <p>4 A. Joe was the kill plant first shift</p> <p>5 supervisor. He'd see me still there on first</p> <p>6 shift a lot of times and ask me why I was still</p> <p>7 there.</p> <p>8 Q. Okay. What about James Bragg?</p> <p>9 A. James was a first shift supervisor at the</p> <p>10 cook plant.</p> <p>11 Q. Okay. None of those guys had supervisory</p> <p>12 authority over you, did they?</p> <p>13 A. No.</p> <p>14 Q. They were all kind of equal in rank?</p> <p>15 A. Yes, sir. And they were all making the same</p> <p>16 money I was.</p> <p>17 Q. Okay. Tell me what your job duties were</p> <p>18 when you were the third shift maintenance</p> <p>19 supervisor in the cook plant.</p> <p>20 A. Just to maintain the equipment, make sure it</p> <p>21 was ready for start-up.</p> <p>22 Q. And you had to oversee employees under you,</p> <p>23 correct?</p>
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<p>1 But he didn't want nobody to know that me and him</p> <p>2 had talked.</p> <p>3 Q. And he was a supervisor?</p> <p>4 A. He came in for special projects when they</p> <p>5 were building the plant and stuff, and I worked a</p> <p>6 lot with him.</p> <p>7 Q. And you talked to Randy Ogletree about it?</p> <p>8 A. I talked to Randy and some guys that I</p> <p>9 fished with and stuff.</p> <p>10 Q. Who's Randy Ogletree?</p> <p>11 A. He works in the welding shop, or he did at</p> <p>12 that time. I think he still has the same</p> <p>13 position.</p> <p>14 Q. Okay. And then Terrance Skinner?</p> <p>15 A. Terrance Skinner was the refrigeration</p> <p>16 supervisor at that time.</p> <p>17 Q. And you complained to him?</p> <p>18 A. I had talked with him about it, yes.</p> <p>19 Q. What did you tell him?</p> <p>20 A. I thought I was being mistreated. He warned</p> <p>21 me never to take that position, because I was</p> <p>22 working under him, hourly.</p> <p>23 Q. Okay. And then Joe McCraney?</p>	<p>1 A. Yes.</p> <p>2 Q. Did you direct those employees on what</p> <p>3 jobs --</p> <p>4 A. I trained the employees on how to work on</p> <p>5 the equipment and what to look for, for</p> <p>6 troubleshooting.</p> <p>7 Q. Would you tell them when to do what job and</p> <p>8 how to prioritize what projects had to be done?</p> <p>9 A. Yes. I would tell them when we had to work</p> <p>10 on the equipment and when we didn't work on it and</p> <p>11 how to upkeep, you know. There was housekeeping</p> <p>12 too, you know; you had to keep areas clean.</p> <p>13 Q. Was there paperwork they had to fill out?</p> <p>14 A. Just whenever we did maintenance. Once a</p> <p>15 week when we did our maintenance log sheets, we</p> <p>16 had to fill out paperwork.</p> <p>17 Q. And would you be in charge of making sure</p> <p>18 they did all that?</p> <p>19 A. Yes.</p> <p>20 Q. And would you review it?</p> <p>21 A. Yes.</p> <p>22 Q. Would you give them performance reviews and</p> <p>23 tell them whether they were doing a good job or a</p>

25 (Pages 97 to 100)



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<p>1 bad job or where they needed to improve?</p> <p>2 A. Yes.</p> <p>3 Q. That was part of your job as a supervisor?</p> <p>4 A. Yes.</p> <p>5 Q. Could you hire those people? How would that</p> <p>6 work? If you needed a person on your crew, would</p> <p>7 you interview them and hire them? Tell me about</p> <p>8 that process.</p> <p>9 A. Sometimes I interviewed and hired. Most of</p> <p>10 the time somebody else would tell me they'd run</p> <p>11 across somebody, would I take them.</p> <p>12 Q. And it would be your decision whether you</p> <p>13 could take them?</p> <p>14 A. Yes.</p> <p>15 Q. And what about termination with people</p> <p>16 underneath you?</p> <p>17 A. I could terminate people under me.</p> <p>18 Q. And did you ever do that?</p> <p>19 A. Yes.</p> <p>20 Q. Tell me who you terminated.</p> <p>21 A. I think I only terminated two people. One</p> <p>22 was Ken Pelham, and I can't remember the other</p> <p>23 young man's name.</p>	<p>1 Q. Anybody else?</p> <p>2 A. That's all I remember terminating.</p> <p>3 Q. And when you were in your hourly job on the</p> <p>4 refrigeration maintenance crew, you didn't have</p> <p>5 that authority?</p> <p>6 A. Oh, no. It was a lot simpler.</p> <p>7 Q. You weren't the manager, correct?</p> <p>8 A. Right. You just did your job, and that was</p> <p>9 fine.</p> <p>10 Q. Right. And you didn't have management or</p> <p>11 supervisory authority over anybody; isn't that</p> <p>12 true?</p> <p>13 A. That's true.</p> <p>14 Q. So you clearly had more responsibility when</p> <p>15 you moved to the supervisory salaried position?</p> <p>16 A. Oh, definitely.</p> <p>17 Q. Okay. What was the chain of command there?</p> <p>18 You just reported direct to Reb, or was there</p> <p>19 somebody in between?</p> <p>20 A. Reported directly to Reb.</p> <p>21 Q. And that's because he was in charge of</p> <p>22 maintenance for the whole complex out there?</p> <p>23 A. Yes.</p>
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<p>1 Q. Why did you terminate Ken Pelham?</p> <p>2 A. Absentee.</p> <p>3 Q. And why did you terminate the other guy?</p> <p>4 A. Poor job performance, on three or four</p> <p>5 different occasions.</p> <p>6 Q. And you don't remember his name?</p> <p>7 A. I'll be honest with you: I'm the kind of</p> <p>8 person, if I don't remember his name, when I walk</p> <p>9 out of this office, these things will be popping</p> <p>10 in my head.</p> <p>11 Q. I understand that.</p> <p>12 A. And I'll probably write them down.</p> <p>13 Q. If you remember his name, can you give it to</p> <p>14 your attorney?</p> <p>15 A. Right. All these questions you ask me, if I</p> <p>16 can't remember a name, I'm just the kind of</p> <p>17 person, I'll be riding down the road and these</p> <p>18 things will be bothering me.</p> <p>19 Q. Well, if you think of it while we're here,</p> <p>20 interrupt and we'll go back to it.</p> <p>21 But you terminated him for job performance,</p> <p>22 essentially?</p> <p>23 A. Yes.</p>	<p>1 Q. Okay. And how would you -- would you have</p> <p>2 regular meetings you would have to attend?</p> <p>3 Supervisor meetings or anything like that?</p> <p>4 A. We had a supervisor meeting once a week.</p> <p>5 But just about every morning, I was to report to</p> <p>6 Reb before I could leave, or every afternoon,</p> <p>7 whatever time.</p> <p>8 Q. What would be the purpose of that report?</p> <p>9 A. Just to see how things were going.</p> <p>10 Q. You just had to give him a heads-up on</p> <p>11 whether things were running right or --</p> <p>12 A. If we needed to order anything or whatever.</p> <p>13 Q. Okay. You claim you were asked not to clock</p> <p>14 in by the management people?</p> <p>15 A. Yes.</p> <p>16 Q. Who were those people who told you not to</p> <p>17 clock in?</p> <p>18 A. Reb told me that, and David Griffin was</p> <p>19 standing there. They were making a joke out of</p> <p>20 it. They said, "Blocker, what you trying to do?</p> <p>21 Clock in to keep up with how many hours you're</p> <p>22 working?"</p> <p>23 That was the first couple of weeks. It was</p>

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<p>1 just a force of habit, after clocking in for five</p> <p>2 and a half years, to wipe in and swipe the clock.</p> <p>3 Q. Well, did the other supervisors clock in?</p> <p>4 A. I wouldn't know. I didn't see anybody. I</p> <p>5 only did it a couple of weeks. It was just a</p> <p>6 force of habit.</p> <p>7 Q. And then you stopped doing it?</p> <p>8 A. Yes. I was told to. I wasn't doing it</p> <p>9 trying to record hours, it was just a force of</p> <p>10 habit. Every day, as soon as you walk in the</p> <p>11 door, you're used to swiping the clock. It's like</p> <p>12 taking your shoes off at the front door.</p> <p>13 Q. I understand. While you were the third</p> <p>14 shift maintenance supervisor, did anybody ever</p> <p>15 complain to HR or to Reb or to anybody about your</p> <p>16 performance as a supervisor?</p> <p>17 A. I don't recall.</p> <p>18 Q. You don't know or you don't recall?</p> <p>19 A. I remember that Rex told me he went up and</p> <p>20 talked to Kathy about he thought I was hard on</p> <p>21 him.</p> <p>22 Q. Rex Faircloth?</p> <p>23 A. Yes. Because he wanted to transfer to</p>	<p>1 because he had went over Reb's head to Spence</p> <p>2 Jernigan.</p> <p>3 He had went and talked to Spence Jernigan</p> <p>4 about he didn't think Reb treated people</p> <p>5 correctly. Then he went and reported to HR that I</p> <p>6 was Reb's ax man, and he felt that I just had a</p> <p>7 list of people given to me that Reb wanted to get</p> <p>8 rid of. And he went to Kathy with that situation,</p> <p>9 Kathy Gilmore.</p> <p>10 Q. And did Kathy call you in to talk about</p> <p>11 that?</p> <p>12 A. Yes, she did.</p> <p>13 Q. Tell me about that conversation.</p> <p>14 A. She asked me why I had written him up and</p> <p>15 was there a problem. I said I wrote the man up</p> <p>16 only for reasons -- it didn't have anything to do</p> <p>17 with anybody telling me to fire him or anything;</p> <p>18 it had to do with his job performance, because he</p> <p>19 wasn't doing the job correctly. And he had been</p> <p>20 told how to do the job, and he'd just neglect on</p> <p>21 purpose.</p> <p>22 Q. And you don't remember the guy's name?</p> <p>23 A. I don't remember it right now, but I know</p>
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<p>1 another shift. But everybody wanted to transfer</p> <p>2 off third, because it was -- you couldn't sleep.</p> <p>3 It was hard to adjust your sleeping patterns,</p> <p>4 going from day shift to night shift.</p> <p>5 Q. Were you brought in and counseled about Rex</p> <p>6 Faircloth's complaints?</p> <p>7 A. No, sir.</p> <p>8 Q. When was that?</p> <p>9 A. I couldn't tell you exact dates.</p> <p>10 Q. Was it in May?</p> <p>11 A. Way before May. And, also, I can't remember</p> <p>12 the young man's name that I terminated -- it'll</p> <p>13 come to me in a little bit -- but me and Kathy had</p> <p>14 had a few meetings, because he seemed to want to</p> <p>15 go up and talk to her regular about every little</p> <p>16 thing that happened.</p> <p>17 Q. So tell me about all that.</p> <p>18 A. He complained that -- he complained to</p> <p>19 everybody. He just complained all the time.</p> <p>20 Q. What were the complaints that related to</p> <p>21 you, that you're aware of?</p> <p>22 A. He thought because him and Reb didn't get</p> <p>23 along, that Reb was going to have me fire him,</p>	<p>1 I --</p> <p>2 Q. It's the same guy you fired?</p> <p>3 A. Yes.</p> <p>4 Q. I mean, the one you talked about earlier, it</p> <p>5 was that same guy, whoever that is?</p> <p>6 A. Yes. He had went to Kathy quite a few times</p> <p>7 with the story that he had went over Reb's head,</p> <p>8 to Spence Jernigan, and talked to him; and that he</p> <p>9 felt that I was going to fire him, no matter what</p> <p>10 kind of job he did, because Reb had told me to.</p> <p>11 Q. And you did ultimately fire him?</p> <p>12 A. I fired him for legitimate reasons.</p> <p>13 Q. Tell me what those were.</p> <p>14 A. He was sent out to do work on an oil tank</p> <p>15 one time; and instead of pumping the oil out, he</p> <p>16 just pulled the plug and let hundreds of gallons</p> <p>17 of oil run all out in the compound. And all he</p> <p>18 had to do was go get help or anything. He just</p> <p>19 sat there and watched it.</p> <p>20 Q. So it was a job performance reason that you</p> <p>21 fired him?</p> <p>22 A. Yes.</p> <p>23 Q. And you had the authority to do that?</p>

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<p>1 A. Yes.</p> <p>2 Q. And did they ever hire him back or anything;</p> <p>3 or was his termination, that was it? I mean, it</p> <p>4 stuck?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And you've told me about Ken Pelham.</p> <p>7 And you fired him just on the absentee attendance</p> <p>8 policy?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Did anybody else on your shift, that</p> <p>11 was under your supervision, complain to you about</p> <p>12 how you were managing them or supervising them?</p> <p>13 A. A lot of them didn't like the idea that we</p> <p>14 went by a point system. If you got four points,</p> <p>15 you were terminated.</p> <p>16 Q. On attendance?</p> <p>17 A. Attendance. And a lot of these guys weren't</p> <p>18 on time or missed a day or overslept and would be</p> <p>19 late. It was tough to keep people there.</p> <p>20 Q. Okay. And who complained about those</p> <p>21 problems?</p> <p>22 A. They just felt it was unfair, as many hours</p> <p>23 as we were working, that if a man was 15 minutes</p>	<p>1 it over there.</p> <p>2 That's the only food you had to eat was in</p> <p>3 that break room. Working third shift, you can't</p> <p>4 order out or anything. It was twelve o'clock at</p> <p>5 night before we got a break.</p> <p>6 Q. But y'all went in there and the thing was on</p> <p>7 its side?</p> <p>8 A. Somebody had already throwed it on its side.</p> <p>9 Q. Do you know who that was?</p> <p>10 A. I have no idea.</p> <p>11 Q. Would it have been somebody on your crew?</p> <p>12 A. I don't think it was anybody on my crew,</p> <p>13 because they were on the floor with me.</p> <p>14 Q. I mean, who has access to it? anybody</p> <p>15 working?</p> <p>16 A. Anybody that walks by. Sometimes we would</p> <p>17 have Hispanics from the other plants staying</p> <p>18 there.</p> <p>19 Q. Right.</p> <p>20 A. And sometimes we came in and actually found</p> <p>21 vending machines wide open, which took someone</p> <p>22 with a key to do it.</p> <p>23 Q. Okay.</p>
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<p>1 late, I had to go by the book.</p> <p>2 Q. I see. So they were saying you strictly</p> <p>3 enforced the attendance policy?</p> <p>4 A. Yeah. I was given an attendance policy.</p> <p>5 And like Rex said, "Man, I just worked 16 hours,</p> <p>6 and I'm 15 minutes late."</p> <p>7 Q. He'd worked 16 the day before and --</p> <p>8 A. The day before. "And I'm 15 minutes late,</p> <p>9 and you want to write me up? Where's the thank</p> <p>10 you for helping out?" I said, "Man, I've got a</p> <p>11 job to do. If I don't do it, they'll find</p> <p>12 somebody else."</p> <p>13 Q. Do you remember any kind of incident</p> <p>14 involving a vending machine?</p> <p>15 A. Yes.</p> <p>16 Q. Tell me about that.</p> <p>17 A. An employee named Alan Carpenter stood a</p> <p>18 machine up that, when we walked in for break, it</p> <p>19 was laying on the ground. And he stood it up. I</p> <p>20 was there when he stood it up. He put \$5 in it</p> <p>21 and shook it just a little bit and stood it up</p> <p>22 against the wall. I think another employee helped</p> <p>23 him stand it up, because they were trying to drag</p>	<p>1 A. And I'm not mentioning anything that -- this</p> <p>2 is not fact, but a lot of folks know that Hartz</p> <p>3 Catering, at that time, was having problems with</p> <p>4 one of their own children taking money out of</p> <p>5 their machines.</p> <p>6 Q. So you think a Hartz --</p> <p>7 A. I don't know that for a fact at all. But</p> <p>8 sometimes the young man would come in and unload</p> <p>9 the change out of the machine, not stock it, and a</p> <p>10 few times he actually made a mistake and left it</p> <p>11 unlocked.</p> <p>12 Q. Well, back to the issue of the thing being</p> <p>13 on its side. Was the machine vandalized?</p> <p>14 A. It was on its side, so it had to have been</p> <p>15 vandalized.</p> <p>16 Q. I mean, did it look like they had tried to</p> <p>17 break into it?</p> <p>18 A. It didn't look like anybody had actually</p> <p>19 opened anything; it was just laying on its side.</p> <p>20 Q. All right. And what did y'all do? picked it</p> <p>21 up?</p> <p>22 A. I didn't pick it up; one of my employees</p> <p>23 picked it up and put it back in the position it</p>

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<p>1 was originally in; stood it up.</p> <p>2 Q. Did anything ever come of that? Did anybody</p> <p>3 get in trouble over that?</p> <p>4 A. There was an investigation about it.</p> <p>5 Q. Who handled that?</p> <p>6 A. You mentioned his name. It was Kathy's boss</p> <p>7 at the time.</p> <p>8 Q. Jim Vice?</p> <p>9 A. Right.</p> <p>10 Q. All right. Tell me how that went.</p> <p>11 A. They called me up and asked me what I knew</p> <p>12 about it, along with most of my employees.</p> <p>13 Q. And what became of it?</p> <p>14 A. We didn't know what happened. It was</p> <p>15 dropped.</p> <p>16 Q. Did anybody get in trouble over it?</p> <p>17 A. No, sir.</p> <p>18 Q. When was that? We know Jim Vice was already</p> <p>19 there.</p> <p>20 A. Probably a couple of weeks before I was</p> <p>21 terminated. Two or three weeks, four weeks; I'm</p> <p>22 not sure exactly.</p> <p>23 Q. Okay. Any other complaints that your</p>	<p>1 kept up.</p> <p>2 Q. I see. So he didn't work on the equipment;</p> <p>3 he --</p> <p>4 A. No. His job was to stay behind the cage and</p> <p>5 issue the equipment.</p> <p>6 Q. Okay. Do you ever recall you or anybody</p> <p>7 else on your crew mistreating him or calling him</p> <p>8 names or being cruel to him in any way?</p> <p>9 A. The only thing that ever happened, which I</p> <p>10 brought him in the office and talked with him and</p> <p>11 an employee, an employee named Alan Carpenter</p> <p>12 would pick at him sometimes, but Ken was picking</p> <p>13 back.</p> <p>14 And I told them if this was going to get out</p> <p>15 of hand, they needed to put a stop to it. And Ken</p> <p>16 said, "Oh, we're just playing." I said, "Well, we</p> <p>17 ain't got room for horseplay on the floor." He</p> <p>18 said, "This is just in the tool room."</p> <p>19 Q. All right. Did it keep going after that?</p> <p>20 A. They cut back on it.</p> <p>21 Q. But did they still do it?</p> <p>22 A. A little bit, yes. But Ken was picking at</p> <p>23 the boy just as much as he was picking at Ken.</p>
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<p>1 personnel had about you, that they made either to</p> <p>2 you or somebody else, that you're aware of?</p> <p>3 A. Ken Pelham had called my house drunk a few</p> <p>4 times telling me he had to have his job and stuff</p> <p>5 like this. I mean, you couldn't hardly even</p> <p>6 understand what he was saying. Leave messages on</p> <p>7 my answering machine.</p> <p>8 Q. That was after he was terminated?</p> <p>9 A. That's before he was terminated.</p> <p>10 Q. Before he had been terminated.</p> <p>11 A. I had reported that to Reb Bludsworth. And</p> <p>12 he told me that even though a tool person was hard</p> <p>13 to come by, you just need to cut your losses and</p> <p>14 get another one. Terminate him at this time.</p> <p>15 Q. A tool person?</p> <p>16 A. Yes.</p> <p>17 Q. Tell me what that means.</p> <p>18 A. He was a tool man. He stood behind the</p> <p>19 cage. If you come up and said, "I need a sledge</p> <p>20 hammer," he handed you a sledge hammer. If you</p> <p>21 needed a gear for a machine, you explained to him</p> <p>22 what it was, he went and got it, handed it to you;</p> <p>23 he logged it in the book, so the inventory was</p>	<p>1 Q. Who was the other fellow?</p> <p>2 A. Alan Carpenter and Josh Bradford. They were</p> <p>3 young kids. Josh was 18 or 19, and Alan was</p> <p>4 probably just turning 21.</p> <p>5 Q. So you agree there was some problems among</p> <p>6 those employees picking at each other? Did it go</p> <p>7 so far as horseplay?</p> <p>8 A. I had a meeting with every one of my</p> <p>9 employees in the office to discuss this. And Ken</p> <p>10 said it wasn't no big deal.</p> <p>11 Q. And when was that?</p> <p>12 A. A few weeks before I was terminated.</p> <p>13 Q. All right. After that meeting, were there</p> <p>14 additional problems with those employees.</p> <p>15 A. Not that I was aware of.</p> <p>16 Q. Okay. Did they complain to you after that</p> <p>17 meeting?</p> <p>18 A. No. But the same kind of deal they were</p> <p>19 horseplaying, my own boss, Reb and Greg would come</p> <p>20 in and pop you in the belly, you know. It was</p> <p>21 just something the guys would do.</p> <p>22 Q. Did you ever complain about that to anybody?</p> <p>23 A. No. I mean, they didn't hurt you or</p>

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<p>1 anything; it was just trying to see how fast you  2 could be.  3 Q. Okay. Tell me what led to your -- all the  4 conversations and events that you're aware of,  5 that you know about, that led to your termination.  6 A. I felt that it was done because I was  7 complaining about the overtime policy.  8 Q. Okay. That's what you think in your mind,  9 correct?  10 A. Yes.  11 Q. And so tell me what evidence that you would  12 have that would prove that.  13 A. Well, any time you went over Greg or Reb's  14 head, you just about knew you didn't have a job.  15 Any time anyone else did that -- I knew exactly  16 what I was doing.  17 When I talked to Reb about I didn't think I  18 was being treated right, that him and Greg had  19 made this deal with me of 40 to 45 hours a week, I  20 pretty much knew that when I went to Greg, that my  21 job was over. That there was a 90 percent chance,  22 because of the way that they had -- if they wanted  23 somebody gone, they would tell somebody to let</p>	<p>1 Q. Okay. And so he got into some kind of  2 political thing with those guys?  3 A. Political deal.  4 Q. Is that what you think?  5 A. Well, Reb told me he sure didn't want to see  6 him on the floor. I said, "What do you mean?" He  7 said, "You're his supervisor. You need to get him  8 gone."  9 And I told him, I said, "Look, you've made  10 me the supervisor. If a man does wrong by the  11 company policy, I'll let him go; but not for any  12 other reason."  13 Q. Okay. Anybody else that sort of went out of  14 the chain of command, and complained to Greg or  15 Reb about something, that got fired?  16 MR. ROBERSON: Object to the form.  17 That's not out of the chain of command.  18 MR. SMITH: Well, you're right. That's  19 a good objection.  20 Q. Anybody that went over your head or over  21 another supervisor's head, up to Reb or Greg, that  22 got fired?  23 A. I can't remember the man's name, but we had</p>
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<p>1 them go. And they'd give a general grievance and  2 let them go.  3 Q. All right. Give me an example.  4 A. Example?  5 Q. A person that they wanted gone.  6 A. The boy's name that I couldn't remember, I  7 was told that they sure didn't want him hanging  8 around. That's the reason they put him on my  9 shift. And I said, "I will not fire a man for  10 unjustifiable reasons." I said, "If he does  11 something wrong, I will terminate him."  12 Q. Why didn't they want him around?  13 A. Because he already went to Spence Jernigan  14 reporting Reb and Greg.  15 Q. About what?  16 A. I don't know. That was the only  17 conversation they gave me.  18 Q. You don't know if it had to do with overtime  19 or not?  20 A. I don't think it was overtime. This guy was  21 young and used to go and tell everybody anything.  22 Like, he thought this should happen to make things  23 better. But he went about it the wrong way.</p>	<p>1 what I thought was a pretty good maintenance man,  2 didn't last but a couple weeks out there. He made  3 the mistake of telling Reb how he thought the  4 concrete ought to be done. Next thing I know,  5 they picked a reason to let him go.  6 Q. What was the reason they picked?  7 A. I don't remember exactly. But like he said,  8 he didn't need a job out there if they were going  9 to treat him that way.  10 But he had a lot of experience in the  11 concrete, and the comment he made was correct.  12 Q. Well, it had nothing to do with overtime?  13 A. No.  14 Q. Anything else you can think of? Any other  15 example?  16 A. Not right off the top of my head right now.  17 Q. All right. I think we got started down that  18 road when I asked you what evidence are you aware  19 of that would support your claim that you were  20 fired because you complained about overtime.  21 Do you know of anything else that would  22 support that?  23 A. I can't think of anything right now.</p>

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<p>1 Q. Okay. Tell me -- ultimately, you got</p> <p>2 disciplined, or you got brought in, on May 17,</p> <p>3 2005. Do you remember that?</p> <p>4 A. May 17th, the only thing I was told was I</p> <p>5 was being suspended upon investigation.</p> <p>6 (Defendant's Exhibit No. 2 was</p> <p>7 marked for identification and a</p> <p>8 copy of the same is attached</p> <p>9 hereto.)</p> <p>10 Q. All right. Let's look at this May 17th memo</p> <p>11 to Ron Blocker from Reb Blutsworth. I've marked</p> <p>12 it as Exhibit 2.</p> <p>13 Do you remember seeing that?</p> <p>14 A. Yes.</p> <p>15 Q. And was there a conversation at which time</p> <p>16 you signed that memorandum there?</p> <p>17 A. Huh?</p> <p>18 Q. I mean, you had a conversation with Reb?</p> <p>19 A. I had a conversation wanting to know what</p> <p>20 was going on. And Kathy said that they weren't at</p> <p>21 liberty to discuss it; that I was just being</p> <p>22 suspended upon investigation. And Reb told me, he</p> <p>23 said, "Ron, just sign it. You've worked a lot,</p>	<p>1 A. That was it. I asked why. They didn't give</p> <p>2 me any reason; they wouldn't go into anything.</p> <p>3 Q. Well, did you read this?</p> <p>4 A. Yes, I did.</p> <p>5 Q. All right. It says, "It has been reported</p> <p>6 that there has been numerous reports of physical</p> <p>7 and mental abuse and vandalism in areas that you</p> <p>8 are managing." Do you agree with that?</p> <p>9 A. Yes. I agree that some drink machines had</p> <p>10 been messed with.</p> <p>11 Q. All right. And then it says, "There will be</p> <p>12 an investigation into these allegations."</p> <p>13 A. I thought the investigation on these drink</p> <p>14 machines had already been done, because we had</p> <p>15 already had discussions in meetings with HR on</p> <p>16 that a few weeks earlier.</p> <p>17 Q. All right. Well, I didn't hear all that. I</p> <p>18 guess Jim had done an investigation?</p> <p>19 A. Right.</p> <p>20 Q. That's when you said they couldn't figure</p> <p>21 out who had done it?</p> <p>22 A. I mean, we never knew exactly who did it.</p> <p>23 I'm not -- I'm not a -- I was a maintenance</p>
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<p>1 and then complaining about. Just take your wife</p> <p>2 on a little vacation. I'll work things out."</p> <p>3 Q. All right. Let's go back. In this</p> <p>4 conversation that occurred, was all this on May</p> <p>5 17th, the same date you signed it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Go back through, if you would for me, how</p> <p>8 this was brought to your attention and, you know,</p> <p>9 who was involved in the conversation. Just</p> <p>10 everything you can remember about it.</p> <p>11 A. We were having a supervisors' meeting on May</p> <p>12 17th. And I had asked Reb, I said, "Reb, that's</p> <p>13 my birthday, and y'all said I would be off for my</p> <p>14 birthday." He said, "Just come in for this</p> <p>15 meeting." I had called him. I came in for the</p> <p>16 meeting. Folks were awful quiet for some reason.</p> <p>17 And then I was asked to go to Kathy</p> <p>18 Gilmore's office. I get there, and Kathy and Reb</p> <p>19 are sitting there. And they put this out and said</p> <p>20 I was being suspended upon investigation; please</p> <p>21 sign that; and that they were going to have</p> <p>22 security escort me off the property.</p> <p>23 Q. What else was said?</p>	<p>1 supervisor. I wasn't in charge of the cafeteria.</p> <p>2 Q. I understand. But this says, "There will be</p> <p>3 an investigation into these allegations."</p> <p>4 A. Yes.</p> <p>5 Q. Did you ask any questions during this</p> <p>6 meeting where you signed this?</p> <p>7 A. I was told they wasn't going to answer any</p> <p>8 questions; just sign that, and there would be an</p> <p>9 investigation. Reb said, "Just calm down. Don't</p> <p>10 say anything."</p> <p>11 Q. Why was he needing to tell you to calm down?</p> <p>12 A. Because I wanted an answer: What was going</p> <p>13 on? I mean, here it is, I walk in. And I would</p> <p>14 like to know why I'm being suspended.</p> <p>15 Q. Okay. What did you ask them specifically,</p> <p>16 in your own words, the best you can recollect?</p> <p>17 A. Why I was being suspended. What kind of</p> <p>18 investigation would cause me to lose my income for</p> <p>19 five days?</p> <p>20 Q. Did you raise your voice with them?</p> <p>21 A. No, sir.</p> <p>22 Q. Did you make any kind of threatening gesture</p> <p>23 toward them or anything?</p>

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<p>1 A. No, sir.</p> <p>2 Q. Well, why would he need to tell you to calm</p> <p>3 down?</p> <p>4 A. Why?</p> <p>5 Q. Uh-huh.</p> <p>6 A. Because he knew I wanted to know what was</p> <p>7 going on.</p> <p>8 Q. All right. Tell me what else was said.</p> <p>9 A. That was it. I was escorted off the</p> <p>10 property.</p> <p>11 Q. All right. Tell me the next thing that</p> <p>12 happened.</p> <p>13 A. I called Kathy after about five days, and</p> <p>14 she said, under the State of Alabama law, they</p> <p>15 didn't have to tell me why I was being terminated;</p> <p>16 it's just that my services are no longer needed</p> <p>17 there.</p> <p>18 Q. What else did she tell you?</p> <p>19 A. That was it. I told her I would like to</p> <p>20 know why. And she said, "By the State of Alabama,</p> <p>21 I don't have to answer why you're being</p> <p>22 terminated."</p> <p>23 Q. Well, you knew, from this, that they were</p>	<p>1 Q. How long did you get them for?</p> <p>2 A. I think I drew them for the maximum amount</p> <p>3 of time, I think. Approximately six months.</p> <p>4 Q. Did you apply for those here in Eufaula?</p> <p>5 A. Yes.</p> <p>6 Q. Any other conversations with anybody at</p> <p>7 Equity Group, since your termination?</p> <p>8 A. During the five days I was terminated</p> <p>9 Charlie -- Charlie Morgan -- Charlie --</p> <p>10 MR. ROBERSON: Smith?</p> <p>11 THE WITNESS: No, no, no.</p> <p>12 A. -- Charlie Mobley called me probably once or</p> <p>13 twice each one of them days, just asking me how I</p> <p>14 was doing and what I was doing.</p> <p>15 Q. Who is Charlie Mobley?</p> <p>16 A. He was basically over the welding and</p> <p>17 fabrication. He was also one of Reb's real good</p> <p>18 friends though, from the same hometown.</p> <p>19 Q. Was he a friend of yours?</p> <p>20 A. I think he was also.</p> <p>21 Q. And he just called to see how you were</p> <p>22 doing?</p> <p>23 A. He called and said, "What are you doing?" I</p>
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<p>1 investigating you for reports of physical and</p> <p>2 mental abuse and vandalism, correct?</p> <p>3 A. Yes.</p> <p>4 Q. Anything else said during that conversation?</p> <p>5 A. No, sir. But I did feel if I was terminated</p> <p>6 and fired, how could I immediately go out and file</p> <p>7 for unemployment and get it? If I was terminated</p> <p>8 and they won't tell me why, how can I file for</p> <p>9 unemployment and get my unemployment?</p> <p>10 Q. Okay. Let's go through that. Tell me what</p> <p>11 you did, after you heard from Ms. Gilmore that you</p> <p>12 were being terminated?</p> <p>13 Did you have any more conversations with Reb</p> <p>14 or anybody?</p> <p>15 A. Nobody would return my call.</p> <p>16 Q. So you tried to call people?</p> <p>17 A. I did try to speak to Reb, but he never</p> <p>18 called me back.</p> <p>19 Q. All right. And then you sought unemployment</p> <p>20 benefits?</p> <p>21 A. Yes.</p> <p>22 Q. And you say you got them?</p> <p>23 A. Yes.</p>	<p>1 said, "I'm down here in Florida, fishing." I</p> <p>2 said, "Me and my wife, I've worked so many hours</p> <p>3 all this time, I decided if I'm going to be</p> <p>4 suspended, why sit at home and worry about it."</p> <p>5 I loaded up my wife, instead of being</p> <p>6 stressed out and thinking, What are you going to</p> <p>7 do? or What's going on? Heck, we went on</p> <p>8 vacation.</p> <p>9 Q. All right. Anything else he said during</p> <p>10 that time?</p> <p>11 A. He just said, "Man, I'm sorry to hear what's</p> <p>12 going on." He said, "I don't think it's being</p> <p>13 handled right, but I can't go into details."</p> <p>14 Q. What was his job?</p> <p>15 A. He was over the welding and fabrication.</p> <p>16 Q. You said that; I'm sorry. I didn't mean to</p> <p>17 make you say it twice.</p> <p>18 He was a supervisor?</p> <p>19 A. He was not a supervisor. He drew the same</p> <p>20 hourly salary that I did when I was on hourly at</p> <p>21 that time.</p> <p>22 Q. He was under Reb?</p> <p>23 A. Yes.</p>

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Page 129	<p>1 Q. Did anybody else contact you during that</p> <p>2 five-day period?</p> <p>3 A. Alan Carpenter, Josh Bradford, Rex. They</p> <p>4 all called me at home.</p> <p>5 Q. What did they say?</p> <p>6 A. Couldn't believe I wasn't out there.</p> <p>7 Q. Anything in particular they said?</p> <p>8 A. Just that there was an investigation going</p> <p>9 on; that Ken Pelham had made up a bunch of bull.</p> <p>10 Q. So were they all being called in for this</p> <p>11 investigation?</p> <p>12 A. I guess.</p> <p>13 Q. But they were all still working there? None</p> <p>14 of them were suspended?</p> <p>15 A. No.</p> <p>16 Q. Was anybody else suspended when you were,</p> <p>17 that you're aware of?</p> <p>18 A. No.</p> <p>19 Q. So you had the conversation with Ms. Gilmore</p> <p>20 where she told you you were being terminated, and</p> <p>21 you said she wouldn't tell you why?</p> <p>22 A. Yes.</p> <p>23 Q. All right. What happened after that?</p>	Page 131	<p>1 working with Chaney Branch Construction. I did a</p> <p>2 little part-time work for them when I wasn't</p> <p>3 working putting in freezers.</p> <p>4 And then in March of '06, Chaney Branch</p> <p>5 offered me a position. Even though it wasn't much</p> <p>6 money, it gave me a place to live, paid all my</p> <p>7 food, right there on Fort Walton Beach where I</p> <p>8 could go fishing and lay on the beach every</p> <p>9 afternoon.</p> <p>10 Q. Sounds like a fun job. Okay. Chaney Branch</p> <p>11 Construction, that was down at the beach?</p> <p>12 A. Yes. I was building a Cadillac dealership</p> <p>13 in Fort Walton.</p> <p>14 Q. So that's when you say, in your</p> <p>15 interrogatories --</p> <p>16 MR. SMITH: Let's go ahead and mark</p> <p>17 them.</p> <p>18 (Defendant's Exhibit No. 3 was</p> <p>19 marked for identification and a</p> <p>20 copy of the same is attached</p> <p>21 hereto.)</p> <p>22 Q. Exhibit 3 is your Answers to</p> <p>23 Interrogatories.</p>
Page 130	<p>1 A. After that, I moved on. Filed my</p> <p>2 unemployment and looked for other work.</p> <p>3 Q. Did you find other work?</p> <p>4 A. It was quite a while before I found</p> <p>5 something else.</p> <p>6 Q. How long?</p> <p>7 A. On 1/15, I went to work for Heartland</p> <p>8 Mechanical Contractors.</p> <p>9 Q. You may have told me some here.</p> <p>10 A. I think you've got it.</p> <p>11 Q. Yeah, let me look. I forgot I had this.</p> <p>12 May '05, you went to Heartland Mechanical</p> <p>13 Contractors; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And then you were installing freezers in</p> <p>16 chicken plants?</p> <p>17 A. Yes, sir.</p> <p>18 Q. 14 an hour?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Why did you leave that job?</p> <p>21 A. During the wintertime -- certain times of</p> <p>22 the year they wouldn't get much work.</p> <p>23 And when I was working with them, I was also</p>	Page 132	<p>1 Tell me if you've seen that and if that's</p> <p>2 your signature back here. Just make sure if</p> <p>3 you've reviewed those and seen them.</p> <p>4 A. I remember this. I've got a copy.</p> <p>5 Q. So you reviewed those answers with your</p> <p>6 lawyer?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And then you signed? That is your</p> <p>9 signature?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Interrogatory No. 1 is where we asked you a</p> <p>12 question about your employment. And you say.</p> <p>13 "...putting freezers in chicken plants. I worked</p> <p>14 until February 2006."</p> <p>15 And that's when you said the work slowed</p> <p>16 down; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And then your next job was March 2006, when</p> <p>19 you went to work for Chaney Branch Construction?</p> <p>20 A. Yes.</p> <p>21 Q. That says they were located in Clio. But</p> <p>22 you were working in --</p> <p>23 A. The home office is Clio.</p>

33 (Pages 129 to 132)



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<p>1 Q. Okay. But they were doing work down at the  2 beach?  3 A. Right. We had quite a bit of hurricane  4 damage back at that time, so it was booming all  5 along the beach. We stayed down on the beach the  6 whole time.  7 Q. Okay. And what was your job there?  8 A. Iron worker.  9 Q. And you were getting \$8 an hour?  10 A. Right. But they paid all your food, your  11 room, took you out to eat, took you fishing.  12 Q. All right. Did you have health insurance or  13 anything like that with them?  14 A. No.  15 Q. Did you get COBRA health insurance coverage  16 when you left Equity Group?  17 A. No, sir.  18 Q. All right. It says you were at \$8 an hour,  19 and you worked there for, looks like, about five  20 or six months?  21 A. Yes.  22 Q. Why did you leave?  23 A. I was offered a job at the Hyundai Polytech</p>	<p>1 up.  2 Q. Are you saying the machine should have been  3 guarded or locked out? Tell me what the --  4 A. It should have been guarded; it should have  5 been locked out.  6 Q. Was the guy working on the machine at the  7 time or something?  8 A. Yes.  9 Q. Was he performing maintenance?  10 A. No. He was a production worker.  11 Q. Okay. And so they actually -- when did they  12 offer you more money?  13 A. When I told them that I had had enough; that  14 I was going to work my eight hours that day, and I  15 would be done.  16 Q. And that was a 42,000-a-year job?  17 A. Yes.  18 Q. And who did you complain to about that,  19 about the safety?  20 A. Mr. Lee.  21 Q. Is he the manager?  22 A. They're all Lees. I think that's a real  23 common Korean name. Just about everybody out</p>
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<p>1 plant here in Eufaula as production manager.  2 Q. And you took that?  3 A. Yes, sir.  4 Q. 42,000 a year?  5 A. Yes, sir.  6 Q. And says you voluntarily resigned after a  7 coworker was injured?  8 A. Yes.  9 Q. Who was that?  10 A. Scott --  11 Q. Scott Benson?  12 A. Benson, yeah.  13 Q. Okay. Tell me about that situation. Did  14 you get fired from that?  15 A. Oh, no; I quit. They begged me to stay and  16 offered me more money. I just couldn't work at a  17 job that wasn't caring about their people and  18 didn't treat safety -- they had no safety  19 policies.  20 Q. Well, what happened to the guy?  21 A. My boss, Kenny Lee, pushed a button, a wrong  22 button, as a man was standing behind a machine;  23 and it grabbed him in the conveyor and twisted him</p>	<p>1 there, their last name is Lee. But Kihyun Lee was  2 the plant manager, and the CEO was Kyungdon Choi.  3 I don't know how to spell that.  4 And I reported to him -- he was the CEO --  5 that I had already talked to Kihyun and I just  6 couldn't work there no more. I mean, I just  7 couldn't work at a plant like that.  8 Q. And that's when they offered you more money?  9 A. Yes.  10 Q. What did they offer you?  11 A. They didn't ever give me an exact figure. I  12 told them money wasn't the principle.  13 Q. What were you getting? Were you getting  14 health insurance?  15 A. I had full health insurance, three weeks off  16 a year, unlimited amount of sick leave. They  17 didn't set a number of days you could have.  18 Q. What were your job duties there?  19 A. Production.  20 Q. Were you actually producing product yourself  21 or were you overseeing other people?  22 A. Overseeing other people.  23 Q. So you didn't actually operate the machinery</p>

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<p>1 yourself?</p> <p>2 A. No, sir.</p> <p>3 Q. And you left there voluntarily?</p> <p>4 A. Yes. I quit.</p> <p>5 Q. Okay. And since then, tell me where you've</p> <p>6 applied. Your Answer says you're applying for</p> <p>7 work with several companies. Do you see that? It</p> <p>8 says, "I am presently applying for work with</p> <p>9 several companies."</p> <p>10 A. Okay. Since then, I caught a little bit of</p> <p>11 part-time work with Garden Gallery, just a little</p> <p>12 bit. I went to work for Hewitt, on the shutdown</p> <p>13 at the mill up here, for a couple of weeks.</p> <p>14 Q. Is that a contractor up there?</p> <p>15 A. Yes.</p> <p>16 Q. What were they paying you?</p> <p>17 A. \$16 an hour.</p> <p>18 Q. And were you doing maintenance?</p> <p>19 A. No, sir. I was a laborer.</p> <p>20 Q. And what were they doing up there?</p> <p>21 A. I did everything from fire watch to tear</p> <p>22 down scaffolds.</p> <p>23 Q. How long was that shutdown?</p>	<p>1 worker?</p> <p>2 A. I didn't have the money for the amount they</p> <p>3 wanted.</p> <p>4 Q. So you would have had to pay -- who was</p> <p>5 that, that made that offer to you?</p> <p>6 A. The Iron Workers Union out of Columbus.</p> <p>7 Q. I mean, that made the job offer.</p> <p>8 A. I mean -- excuse me -- not the Iron Workers</p> <p>9 Union. No. One of the millwrights. Excuse me.</p> <p>10 The millwright company, which also worked</p> <p>11 with Hewitt, one of the head guys, the millwright,</p> <p>12 had told me that he could get me in the union out</p> <p>13 there, and they could probably get me pretty much</p> <p>14 six months' work out of the year, and probably</p> <p>15 make 40-, or \$50,000 a year.</p> <p>16 Q. Okay. And you didn't pursue that because --</p> <p>17 A. I'm still pursuing it.</p> <p>18 Q. Okay.</p> <p>19 A. Instead of joining the union, I found that I</p> <p>20 think I can get other work nonunion, without</p> <p>21 having to join.</p> <p>22 Q. Well, you didn't have to join the union to</p> <p>23 get a job, do you?</p>
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<p>1 A. It only lasted me two and a half weeks.</p> <p>2 Q. Okay. And did you have any opportunity to</p> <p>3 work with them somewhere else?</p> <p>4 A. No. They told me here recently that</p> <p>5 something will start back up soon.</p> <p>6 Q. Do they go to other paper mills?</p> <p>7 A. Not that I know of.</p> <p>8 Q. They just work up here at Mead?</p> <p>9 A. I don't know all that. I just know that I</p> <p>10 was at the Mead job.</p> <p>11 Q. I'm just trying to figure out what</p> <p>12 opportunities you would have with that company.</p> <p>13 Did you have the chance to go to any other</p> <p>14 job?</p> <p>15 A. If I would have paid 300-some-odd dollars to</p> <p>16 join the union, they thought they could get me</p> <p>17 back out in the Iron Workers Union.</p> <p>18 Q. At Mead?</p> <p>19 A. It would be at Mead when they needed iron</p> <p>20 workers.</p> <p>21 Q. Uh-huh.</p> <p>22 A. And it would be other jobs.</p> <p>23 Q. So you had a chance at a job as an iron</p>	<p>1 A. No. But you do have to join the union to</p> <p>2 get a union job.</p> <p>3 Q. You do have to join? That was my question.</p> <p>4 A. If you're not in the union -- what it is,</p> <p>5 it's like this job up there for Hewitt.</p> <p>6 I was brought in because they could not get</p> <p>7 enough union people. As soon as they find a union</p> <p>8 person to come in, I can be automatically let go;</p> <p>9 because they have to take care of union first.</p> <p>10 Q. I see. And what company was that that you</p> <p>11 were applying?</p> <p>12 A. Hewitt.</p> <p>13 Q. That was with Hewitt?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. So as we sit here today, is there a</p> <p>16 job available for you at Hewitt, if you joined the</p> <p>17 union?</p> <p>18 A. Not with Hewitt. But the union says they</p> <p>19 could find me some work.</p> <p>20 Q. Okay. And you just haven't pursued it?</p> <p>21 A. I felt that instead of paying out that kind</p> <p>22 of money to the union, maybe I should look for</p> <p>23 nonunion work.</p>

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<p>1 Q. All right. Tell me about that?</p> <p>2 A. I've been to over here in Cuthbert and</p> <p>3 turned in applications at that -- where all the</p> <p>4 guts and everything goes from CP.</p> <p>5 Q. American Protein?</p> <p>6 A. American Protein. I've been up to the other</p> <p>7 chicken plant at Phenix City and put in an</p> <p>8 application. I've been to Union Springs and</p> <p>9 Montgomery, both of those chicken plants, and</p> <p>10 turned in applications.</p> <p>11 Q. Have you had any luck from that?</p> <p>12 A. I thought I had a job in Montgomery, but it</p> <p>13 didn't work out.</p> <p>14 Q. Tell me about that.</p> <p>15 A. The guy told me to come on up there; he'd</p> <p>16 hire me. And I went up there last Thursday. I</p> <p>17 finished up some little projects I had at home. I</p> <p>18 told him I had about a week's worth of little</p> <p>19 things I needed to do before I went to work with</p> <p>20 him. He said, "Fine. Come on up and I'll put you</p> <p>21 to work."</p> <p>22 And I'm waiting for a call back. He was</p> <p>23 supposed to have called back Monday, but I haven't</p>	<p>1 interview next week at the sawmill up here about a</p> <p>2 maintenance job up there. The Alabama</p> <p>3 unemployment place, I did the paperwork this week;</p> <p>4 and they told me they've sent my application off;</p> <p>5 I'd go up for an interview sometime next week.</p> <p>6 Q. Okay.</p> <p>7 A. I've went to Cooper Lighting. And they told</p> <p>8 me there will be a position open sometime the end</p> <p>9 of May in maintenance that I might be interested</p> <p>10 in.</p> <p>11 Q. All right.</p> <p>12 A. And I'm just waiting on them to tell me.</p> <p>13 That position isn't open yet. I'm not guaranteed</p> <p>14 the position, it's just that I know some of the</p> <p>15 workers and all. And they told me that I would be</p> <p>16 in -- that was the kind of work I did before, kind</p> <p>17 of similar, and that I was already skilled at it.</p> <p>18 Q. Any other companies you've applied to?</p> <p>19 A. I've applied to a lot of different places; I</p> <p>20 just can't remember all the names right off the</p> <p>21 top of my head.</p> <p>22 Q. All right. Any more that you can remember?</p> <p>23 A. I don't remember the name, but I went to the</p>
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<p>1 heard from him. When I leave this meeting, I was</p> <p>2 going to call him today.</p> <p>3 Q. What company is that?</p> <p>4 A. Koch Foods. K-O-C-H.</p> <p>5 Q. Okay. And that's a poultry --</p> <p>6 A. Yes.</p> <p>7 Q. Who were you dealing with?</p> <p>8 A. Philip Mauldin.</p> <p>9 Q. Okay. He used to be down here somewhere?</p> <p>10 A. Yes. He was my origin supervisor at CP,</p> <p>11 when I first went to the cook plant.</p> <p>12 Q. Okay. And it sounds like you're waiting to</p> <p>13 hear from him, but you just haven't heard?</p> <p>14 A. Right. I've already went and looked at a</p> <p>15 trailer park about moving my trailer and</p> <p>16 everything, relocating up there.</p> <p>17 Q. Okay. Any other job prospects or</p> <p>18 applications that you've put in?</p> <p>19 A. Oh, yeah. I've put in some at Beaulieu of</p> <p>20 America. The unemployment office sent me to an</p> <p>21 interview out there.</p> <p>22 Q. Okay.</p> <p>23 A. I just -- I was supposed to go to an</p>	<p>1 new plant in Camilla, Georgia, that's opening up</p> <p>2 to do -- they're taking corn and making gas. And</p> <p>3 I turned in a resumé there.</p> <p>4 Q. Okay. Haven't heard from them?</p> <p>5 A. Not yet.</p> <p>6 Q. All right. Any other ones?</p> <p>7 A. I've just been on the Internet a lot looking</p> <p>8 at different jobs. I couldn't tell you the names</p> <p>9 of those, but I've put in my resumé on the</p> <p>10 Internet at quite a few different places.</p> <p>11 Q. Okay. Let me ask you, on your Initial</p> <p>12 Disclosures -- and I don't know if you've seen</p> <p>13 these or not. This is where the parties each</p> <p>14 disclose to the other one who they think the</p> <p>15 witnesses could be in the case.</p> <p>16 A. Uh-huh.</p> <p>17 Q. And there's a couple that I just wanted to</p> <p>18 ask you about.</p> <p>19 Who is --</p> <p>20 MR. SMITH: I'm going to mark this as</p> <p>21 Exhibit 4.</p> <p>22 (Defendant's Exhibit No. 4 was</p> <p>23 marked for identification and a</p>

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<p>1 copy of the same is attached</p> <p>2 hereto.)</p> <p>3 Q. Who is Buck Giles?</p> <p>4 A. Buck would be the -- he was over the</p> <p>5 maintenance shop -- I mean, not maintenance. He</p> <p>6 was over the maintenance of the trucks.</p> <p>7 Q. Okay.</p> <p>8 A. And I believe he's the one that has the</p> <p>9 third shift supervisor position at the cook plant</p> <p>10 now.</p> <p>11 Q. He took your place, you think?</p> <p>12 A. Oh, yeah.</p> <p>13 Q. Okay. Have you talked to him about this</p> <p>14 case at all?</p> <p>15 A. He would come out and drink coffee in the</p> <p>16 mornings. A lot of mornings he'd be getting there</p> <p>17 too early, and drop by over there and talk to me</p> <p>18 about, man, he couldn't believe how many hours</p> <p>19 they were making me work.</p> <p>20 Q. All right. And he was a supervisor in</p> <p>21 another part?</p> <p>22 A. He was not a supervisor. He was basically</p> <p>23 over the truck shop. I'm not sure if they gave</p>	<p>1 Q. What was he promised?</p> <p>2 A. He was promised that if he went to nights</p> <p>3 and worked a certain amount of hours, he'd get to</p> <p>4 go home. And they kept making him stay. One day</p> <p>5 he blew up and loaded his stuff up and quit.</p> <p>6 Q. All right. So he wasn't fired?</p> <p>7 A. No, sir.</p> <p>8 Q. Where is he now?</p> <p>9 A. He now works for a company installing</p> <p>10 freezers. As a matter of fact, he was just out</p> <p>11 there recently installing a freezer. And he'll be</p> <p>12 out there again sometime, I think, this month.</p> <p>13 Q. What company is that called?</p> <p>14 A. I don't remember the name right now.</p> <p>15 Q. All right. How about Will Partin?</p> <p>16 A. Will also worked with me with Chaney Branch</p> <p>17 Construction. He also worked with me at the</p> <p>18 chicken plant.</p> <p>19 Q. What does he know about your claims?</p> <p>20 A. He just told me he didn't think nobody set</p> <p>21 up for me like Reb or Greg. He said I must have</p> <p>22 been already gone.</p> <p>23 Q. Did you ever have any discussions with Will</p>
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<p>1 him supervisor pay or not; I wouldn't know that.</p> <p>2 Q. Over the live haul trucks over there?</p> <p>3 A. Right.</p> <p>4 Q. And have you talked to him about the case,</p> <p>5 your claims, at all, since you've left the chicken</p> <p>6 plant?</p> <p>7 A. Not since I left, no.</p> <p>8 Q. All right. Did Buck Giles ever tell you why</p> <p>9 you were terminated from the chicken plant or why</p> <p>10 you were under investigation at the chicken plant?</p> <p>11 Any conversations like that with him?</p> <p>12 A. I can't remember.</p> <p>13 Q. All right. And Joe McCraney, I think you</p> <p>14 mentioned him earlier.</p> <p>15 A. Yes.</p> <p>16 Q. Same with Terrance Skinner. What about</p> <p>17 Michael Johnson? I can't remember that name. Who</p> <p>18 is he?</p> <p>19 A. Michael worked out there also in</p> <p>20 maintenance, and he also worked with me with</p> <p>21 Chaney Branch Construction. And he's one of those</p> <p>22 guys who also quit because he was promised</p> <p>23 different things and didn't work out.</p>	<p>1 about overtime and complaints about overtime?</p> <p>2 A. Oh, yeah, we talked about it.</p> <p>3 Q. He was a maintenance man out there too?</p> <p>4 A. Yes.</p> <p>5 Q. But he wasn't under you?</p> <p>6 A. No, sir.</p> <p>7 Q. Was he a supervisor?</p> <p>8 A. No, sir. He was just maintenance.</p> <p>9 Q. All right. Tell me about the conversations</p> <p>10 you would with Will about overtime. Did he ever</p> <p>11 say he complained about it?</p> <p>12 A. No.</p> <p>13 Q. And what did you tell -- tell me anything</p> <p>14 else you can think of that you and he discussed</p> <p>15 about overtime or about complaining about</p> <p>16 overtime.</p> <p>17 A. Just that it was a raw deal. I agreed upon</p> <p>18 a certain deal and it sure didn't happen.</p> <p>19 Q. This was after you had been made the</p> <p>20 salaried position?</p> <p>21 A. Yes.</p> <p>22 Q. Was Will over in the fresh plant, in the</p> <p>23 first processing plant?</p>

37 (Pages 145 to 148)

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<p>1 A. He was in the first.</p> <p>2 Q. Okay. And we've talked about Ken Pelham.</p> <p>3 Any conversations with Ken -- and this is to all</p> <p>4 these guys. Any conversations with Ken or Will,</p> <p>5 since you were terminated?</p> <p>6 A. Before I was terminated, while I was on</p> <p>7 suspension, Ken had left a drunken phone call</p> <p>8 message. We couldn't understand much of what he</p> <p>9 was saying.</p> <p>10 Q. All right. So y'all didn't talk; he just</p> <p>11 left you a message?</p> <p>12 A. No. I wasn't going to answer to somebody</p> <p>13 like that. I had caller ID. And he said, I told</p> <p>14 you I was going to get you, you blankety-blank.</p> <p>15 And we couldn't understand exactly what all</p> <p>16 he was saying. He rambled on for a good five or</p> <p>17 ten minutes.</p> <p>18 Q. So you're implying there that he -- he said</p> <p>19 he was going to get you? I mean, that's what the</p> <p>20 message said?</p> <p>21 A. He was drinking.</p> <p>22 Q. Well, what did he mean by that?</p> <p>23 A. I have no idea.</p>	<p>1 A. Just that he had been in the area. We'd</p> <p>2 probably be in the maintenance shop, and Reb would</p> <p>3 tell me, "Hey, man, you can let your guys go, but</p> <p>4 I need you to stay until I tell you you can</p> <p>5 leave."</p> <p>6 Q. I see. So he was one of your hourly people</p> <p>7 under you?</p> <p>8 A. Yes.</p> <p>9 Q. What about Darrell McCartha?</p> <p>10 A. Darrell was also in maintenance on third</p> <p>11 shift; and then when he had some personal</p> <p>12 problems, I helped him transfer to first.</p> <p>13 Q. All right. And Glenda Merritt?</p> <p>14 A. Glenda was the QA supervisor for first</p> <p>15 shift.</p> <p>16 Q. What does she know about all this?</p> <p>17 A. She would be in there and see me having to</p> <p>18 stay late all day. She would be a witness that</p> <p>19 would state, "Hey, Ron was still here at twelve,</p> <p>20 one o'clock in the afternoon."</p> <p>21 MR. ROBERSON: Is she the lady that got</p> <p>22 suspended when you got suspended?</p> <p>23 THE WITNESS: Yes.</p>
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<p>1 MR. ROBERSON: Can we take about two</p> <p>2 minutes so I can go to the restroom?</p> <p>3 MR. SMITH: Yeah, sure.</p> <p>4 (A brief recess was taken.)</p> <p>5 (BY MR. SMITH)</p> <p>6 Q. We were talking, before we broke, about some</p> <p>7 of the people on your initial disclosures.</p> <p>8 I think you had mentioned Alan Carpenter and</p> <p>9 you'd mentioned Josh Bradford. And then Rex</p> <p>10 Faircloth?</p> <p>11 A. He's passed away now.</p> <p>12 Q. Oh, he has? Okay. What would he have known</p> <p>13 about it? I mean, was he just somebody that was</p> <p>14 on your shift?</p> <p>15 A. He was standing there when Reb told me that</p> <p>16 I would work the hours he gave me; and if I wanted</p> <p>17 to get some volunteers to stay over, that would be</p> <p>18 fine.</p> <p>19 Q. All right. Kelvin Heath? What about him?</p> <p>20 A. Kelvin Heath was just another maintenance</p> <p>21 guy out there with me.</p> <p>22 Q. What does he know about your claims against</p> <p>23 the company and your lawsuit?</p>	<p>1 MR. ROBERSON: So that's her last name.</p> <p>2 MR. SMITH: Okay.</p> <p>3 Q. And then you had mentioned a guy you fired;</p> <p>4 you couldn't remember his name. Is there a Jim</p> <p>5 Allen?</p> <p>6 A. There was a Jim Allen, but I never -- he</p> <p>7 actually quit.</p> <p>8 Q. All right. So that's not the guy, earlier</p> <p>9 when you were saying you had to fire somebody?</p> <p>10 A. No. I can get his name, but I just can't</p> <p>11 remember right now.</p> <p>12 Q. Okay. Why did Mr. Allen quit?</p> <p>13 A. Mr. Allen?</p> <p>14 Q. Jim Allen.</p> <p>15 A. He just never showed up hardly.</p> <p>16 Q. Was he on your crew?</p> <p>17 A. I think James Bragg hired him on first and</p> <p>18 put him over on my shift. And he only showed up a</p> <p>19 few times. Just quit showing up.</p> <p>20 Q. Okay. Do you remember any incidents where</p> <p>21 workers on your crew were hitting each other in</p> <p>22 the midsection with wrenches and tools and stuff?</p> <p>23 A. Not with wrenches or tools, no.</p>

38 (Pages 149 to 152)



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1 Q. What were they hitting with?  
2 A. Alan Carpenter and Josh, they would pop you  
3 in the belly or something. Reb Blutsworth, the  
4 maintenance superintendent, did the same thing.  
5 Q. Did y'all ever complain about Reb to  
6 anybody?  
7 A. No.  
8 Q. Were you ever aware or did you ever witness  
9 or hear about anybody on your crew hitting their  
10 coworkers in their genitals?  
11 A. No.  
12 Q. You're not aware of any of that?  
13 A. Not of hitting in the genitals, no. In the  
14 belly.  
15 Q. You're saying in the belly?  
16 A. Here (indicating).  
17 Q. Any time lower than that? You know how guys  
18 do; they'll hit somebody in the --  
19 A. Nobody reported anything like that to me.  
20 Q. Okay.  
21 A. I'm not saying it didn't happen. I don't  
22 know.  
23 Q. You never got a complaint about that?

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1 A. Nobody ever came to my office and said,  
2 "Hey, somebody hit me in the groin," or anything,  
3 no.  
4 Q. Yeah, groin. That's the word I was looking  
5 for; I just couldn't think of it.  
6 Have you done any kind of analysis or  
7 comparison of how much you made when you went on  
8 salary versus what you were making when you were  
9 on hourly? Have you figured out the difference?  
10 A. I haven't added it up, but I could.  
11 Q. You just haven't done it yet?  
12 A. I remember putting a pencil to what kind of  
13 hours I thought I worked and how much money I  
14 would have made if I'd been on -- but I don't have  
15 that with me.  
16 Q. And do you remember what it was, what it  
17 came to?  
18 A. No, I don't.  
19 Q. Do you know who made the decision to  
20 terminate your employment? Did anybody ever tell  
21 you that?  
22 A. No one ever told me. Just Kathy told me  
23 over the phone that my services were no longer

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1 necessary. And the State of Alabama law, she  
2 didn't have to tell me why.  
3 Q. But beyond that, you don't know --  
4 A. I did not know anything until I seen the  
5 copies of these reports that they mailed to me  
6 last Friday.  
7 MR. ROBERSON: I mailed them.  
8 A. I didn't have any idea of these other  
9 accusations or anything, until then.  
10 Q. And what do you think about those  
11 accusations?  
12 A. I think they're exaggerated.  
13 Q. Since you mentioned them, I'm going to just  
14 go ahead and mark them.  
15 (Defendant's Exhibit No. 5 was  
16 marked for identification and a  
17 copy of the same is attached  
18 hereto.)  
19 MR. SMITH: I've marked, as Exhibit 5,  
20 Bates numbers Equity Group 10 through 14.  
21 Q. Is this what you're talking about?  
22 A. Yes. I received those last Friday.  
23 Q. Okay. And we produced those in the lawsuit,

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1 and your attorney got them and gave them to you.  
2 Are you saying today is the first time  
3 you've heard of some of this stuff?  
4 A. Last Friday, when I opened up the manila  
5 envelope.  
6 Q. All right. And you say it's exaggerated?  
7 A. I think it is.  
8 Q. I mean, is there some truth to some of it?  
9 A. There was a little horseplay that went on,  
10 on the shift, that shouldn't have; but that went  
11 on, on all the shifts.  
12 Q. Okay. Anything else in here in particular,  
13 that you're aware of, that you say is either not  
14 true or exaggerated?  
15 A. I'd have to read them and go over each  
16 piece, I guess.  
17 Q. Well, I hate for you to have to do that. I  
18 mean, you're welcome to. I don't --  
19 A. The whole Ken Pelham statement is false.  
20 Q. Okay. You never called him "tool boy"?  
21 A. I may have called him "tool boy." And I did  
22 tell him to go back into the cage.  
23 But if your job is to issue out tools in the

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<p>1 cage, and my boss comes in two mornings in a row</p> <p>2 and wants to know why this man's over in the</p> <p>3 smoking area when he should be in the cage, I</p> <p>4 constantly had to tell him to get back in the</p> <p>5 cage. That was his job in that cage.</p> <p>6 If you need to go to the bathroom, you lock</p> <p>7 that cage and go to the bathroom. But you notify</p> <p>8 me on the radio before you go, so I can unlock it</p> <p>9 in case something's needed. Those are the kind of</p> <p>10 things.</p> <p>11 Q. But you agree you used to call him "tool</p> <p>12 boy"?</p> <p>13 A. Yes.</p> <p>14 Q. How old is Mr. Pelham?</p> <p>15 MR. ROBERSON: That's abusive. I'd</p> <p>16 like for y'all to make that argument in federal</p> <p>17 court.</p> <p>18 Q. All right. What else?</p> <p>19 A. That was just the joke he made. He'd call</p> <p>20 himself the tool boy. "I'm just the tool boy</p> <p>21 here. Y'all won't let me on the floor."</p> <p>22 Q. Did he ever complain to you about being</p> <p>23 called anything like that?</p>	<p>1 It might be a week or two before you get it.</p> <p>2 Q. Okay. Did you ever see any of those guys</p> <p>3 throw bolts over the cage and hit him in the head?</p> <p>4 A. That never happened, not to my knowledge. I</p> <p>5 have seen them take a nut and sling it over,</p> <p>6 because it would go ding-ding in the corner, away</p> <p>7 from the man.</p> <p>8 Q. What you saw somebody sling a nut into the</p> <p>9 cage, did you say anything to them about that?</p> <p>10 A. I made them go pick it up.</p> <p>11 Q. What else did you tell them?</p> <p>12 A. Just that they shouldn't be doing that.</p> <p>13 Q. Are any of those guys somebody you fired? I</p> <p>14 guess Ken Pelham was?</p> <p>15 A. Ken's the only one on that list there that I</p> <p>16 actually terminated.</p> <p>17 Q. Okay. Did you bring any other documents</p> <p>18 with you? We've copied -- we'll just mark what</p> <p>19 we've got that you brought. It looks like a set</p> <p>20 of --</p> <p>21 (Defendant's Exhibit No. 6 was</p> <p>22 marked for identification and a</p> <p>23 copy of the same is attached</p>
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<p>1 A. No, sir.</p> <p>2 MR. ROBERSON: Is he black or white?</p> <p>3 THE WITNESS: White.</p> <p>4 MR. SMITH: If he were black, you would</p> <p>5 agree it would be. I'm sure you've alleged that</p> <p>6 before, haven't you?</p> <p>7 MR. ROBERSON: It could be.</p> <p>8 MR. SMITH: I'm just messing with you.</p> <p>9 MR. ROBERSON: It could have a</p> <p>10 derogatory meaning if he were black.</p> <p>11 Q. And so this allegation that he saw you</p> <p>12 trying to get free chips out of the vending</p> <p>13 machine, what do you say about that?</p> <p>14 A. I put my money in and got my chips out.</p> <p>15 Q. He's saying he saw you trying to get free</p> <p>16 chips out of the machine.</p> <p>17 A. No, sir.</p> <p>18 Q. You're saying that's not true?</p> <p>19 A. No, sir. I had told them that if the</p> <p>20 machine rips you off, in the morning go down and</p> <p>21 report it to -- I forgot the woman's name -- but</p> <p>22 you report it to her. And she writes it on a</p> <p>23 piece of paper and then she gets your money back.</p>	<p>1 hereto.)</p> <p>2 Q. Exhibit 6 is a set of copies of the pay</p> <p>3 stubs that you brought; is that right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And then -- oh, there's more to it. Hang</p> <p>6 on. Let's group all of these together. So</p> <p>7 Exhibit 6 are your pay stubs.</p> <p>8 And those look like all CP checks. Do you</p> <p>9 have any copies of your Equity Group checks?</p> <p>10 A. I'll have to dig and find them. They were</p> <p>11 all the same. After supervision, they were all</p> <p>12 the same amount; but I'll have to dig back and</p> <p>13 look for them.</p> <p>14 Q. Okay. And I want to divide these other ones</p> <p>15 into -- you've got some 2004 tax return</p> <p>16 information.</p> <p>17 MR. SMITH: Let's mark that as Exhibit</p> <p>18 No. 7.</p> <p>19 (Defendant's Exhibit No. 7 was</p> <p>20 marked for identification and a</p> <p>21 copy of the same is attached</p> <p>22 hereto.)</p> <p>23 Q. And you file jointly with your wife, Cindy?</p>

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1 A. Yes.  
2 Q. And this will show your income and wages  
3 from CP and/or Equity Group, I guess, correct?  
4 A. Yes.  
5 Q. CP and --  
6 A. And Equity Group. I worked for both the  
7 same year.  
8 Q. Okay. So that will tell us what your wage  
9 was for '04?  
10 A. Yes.  
11 Q. Okay. And then 2003. Looks like for 2003  
12 we've got a W-2, but I don't see a return. Did  
13 you file a return in '03?  
14 A. I'm sure I did.  
15 MR. ROBERSON: I think I've got it.  
16 Well, maybe not.  
17 (Defendant's Exhibit No. 8 was  
18 marked for identification and a  
19 copy of the same is attached  
20 hereto.)  
21 Q. Exhibit 8 looks like W-2s for 2003. And  
22 those would be from CP. And it looks like your  
23 wages there, your gross pay was 45,656. Does that

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1 sound right?  
2 A. Yes, sir.  
3 Q. And you were on hourly back then, correct?  
4 A. Uh-huh.  
5 (Defendant's Exhibit No. 9 was  
6 marked for identification and a  
7 copy of the same is attached  
8 hereto.)  
9 Q. Okay. All right. And then there's a 2005  
10 W-2. And it says they paid you -- let's see. It  
11 says Social Security wages were 19,685.02. Would  
12 that be the gross amount? That's Exhibit 9.  
13 A. That's only for January, February, March,  
14 April.  
15 Q. Right. January through May?  
16 A. Right.  
17 Q. Okay.  
18 A. Well, that would be half of May.  
19 Q. Okay. Any other documents that you brought  
20 with you today?  
21 A. Not with me today.  
22 Q. Are there any other documents that you have  
23 that would support your claims?

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1 MR. ROBERSON: Joel -- and I'll let him  
2 answer -- but he's going to provide to Albert his  
3 '05, '6, and '7 W-2s and tax returns, and I'll  
4 provide them to you.  
5 He's supposed to go back home and get them  
6 today, but he may not be able to accomplish that.  
7 But we'll get them to you next week at the latest.  
8 MR. SMITH: Okay, that'll be fine.  
9 Q. Are there any correspondence or documents  
10 that you've gotten from Equity Group, where they  
11 sent you anything about your job or your  
12 termination or anything?  
13 A. No, sir.  
14 Q. You've given everything you have to your  
15 lawyers?  
16 A. Yes, sir.  
17 Q. Okay. And I think -- I mean, basically what  
18 we have on the table is what you've got in the way  
19 of documents?  
20 A. Yes, sir.  
21 Q. Okay. And you've told me everything they  
22 told you about why you were terminated?  
23 A. Yes.

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1 Q. Are you related to Tom Mann?  
2 A. That was my father-in-law.  
3 Q. What's your wife's name?  
4 A. Cindy.  
5 Q. I know Nelda and I know Sharon.  
6 A. Cindy is the middle child.  
7 Q. Okay. I just didn't know her.  
8 Have you ever filed any other lawsuits?  
9 A. No, sir.  
10 Q. And other than the Mann family, do you have  
11 any relatives in Barbour County?  
12 A. No, sir.  
13 Q. Are you aware of any other employees that  
14 were salaried, supervisor employees that  
15 complained about the amount of overtime they had  
16 to work, or extra time over the 40-hour shift?  
17 A. Joe McCraney complained to me. He told me  
18 that he felt the same way, that he got stuck. He  
19 just said I got stuck with a lot worse than he  
20 did.  
21 Q. Is he still employed out there, or do you  
22 know?  
23 A. I really don't know.

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<p>1 Q. Okay. Anybody else that you know of that</p> <p>2 complained about it?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. I don't have any more questions.</p> <p>5 MR. ROBERSON: I've just got about</p> <p>6 three questions, to try to clear something up.</p> <p>7 BY MR. ROBERSON:</p> <p>8 Q. Ron, on 2004, you've got three W-2s. One is</p> <p>9 for CP. And that's because you worked there and</p> <p>10 CP sold it to the Equity Group?</p> <p>11 A. Right.</p> <p>12 Q. And that was for \$13,000 that you earned in</p> <p>13 2004 from CP.</p> <p>14 Then you have two W-2s from the Equity</p> <p>15 Group. Do you see this, for 2004?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Is that yes?</p> <p>18 A. Yes.</p> <p>19 Q. One of them is for 8,355. Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know what that's for?</p>	<p>1 A. Yes, sir.</p> <p>2 Q. Your salary though, when you went as a</p> <p>3 supervisor, was \$48,000 annually, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Now, in 2004, versus 2005, did you actually</p> <p>6 work longer hours in 2005, before you were fired?</p> <p>7 A. Yes, I worked longer hours.</p> <p>8 Q. So you actually would have made more than</p> <p>9 \$59,000?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. I don't have anything further.</p> <p>12 BY MR. SMITH:</p> <p>13 Q. Have you ever been arrested?</p> <p>14 A. I got a DUI 25 years ago.</p> <p>15 Q. Do you drink?</p> <p>16 A. Sometimes.</p> <p>17 Q. What do you drink?</p> <p>18 A. Beer.</p> <p>19 Q. Have you ever drank before having to go in</p> <p>20 on a night shift?</p> <p>21 A. No, sir.</p> <p>22 Q. Never?</p> <p>23 A. Never.</p>
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<p>1 A. I always wondered if they -- I really don't</p> <p>2 know.</p> <p>3 Q. W-2 wages is what it says?</p> <p>4 A. I was wondering if one of them was salary</p> <p>5 and one was -- I'm not sure.</p> <p>6 Q. Okay. Then you have another one for 37,919.</p> <p>7 Do you see that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Is that correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. You didn't get promoted to salary until</p> <p>12 November; so could this \$8300 be your salary, what</p> <p>13 you earned in 2004 for your salary?</p> <p>14 A. I really don't know.</p> <p>15 Q. That would be -- it sounds like that would</p> <p>16 be a reasonable amount?</p> <p>17 A. I think this is salary and this is hourly.</p> <p>18 Q. And then the 37- was what you earned as</p> <p>19 hourly?</p> <p>20 A. Yes, sir.</p> <p>21 Q. If you combine all three of these, you made</p> <p>22 \$59,000 in 2004 while working at the chicken</p> <p>23 plant, correct?</p>	<p>1 Q. Are you sure?</p> <p>2 A. Positive.</p> <p>3 Q. All right. Anybody ever complain to you</p> <p>4 about alcohol on the job, or were you ever</p> <p>5 counseled about drinking on the job or having been</p> <p>6 under the influence on the job?</p> <p>7 A. Never.</p> <p>8 Q. At any job you've ever had?</p> <p>9 A. Never.</p> <p>10 Q. Okay. And you're not presently -- and I'm</p> <p>11 not asking this to embarrass you -- have you ever</p> <p>12 been in bankruptcy, or are you presently in</p> <p>13 bankruptcy?</p> <p>14 A. No, sir.</p> <p>15 Q. You've never filed bankruptcy?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. That's all I have.</p> <p>18 A. Okay.</p> <p>19</p> <p>20 (The deposition was concluded.)</p> <p>21</p> <p>22</p> <p>23</p>

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## 1 CERTIFICATE

2

3 STATE OF ALABAMA

4 BARBOUR COUNTY

5

6 I hereby certify that the above and  
7 foregoing deposition was taken down by me in  
8 stenotype and the questions and answers thereto  
9 were transcribed by means of computer-aided  
10 transcription, and that the foregoing represents  
11 a true and correct transcript of the testimony  
12 given by said witness upon said hearing.

13 I further certify that I am neither of  
14 counsel, nor kin to the parties to the action,  
15 nor am I in anywise interested in the result of  
16 said cause.

17

18

19 CYNTHIA M. NOAKES, Commissioner  
20 Certified Court Reporter,  
21 ACCR #327 - Expires 09/30/2008

22

23 Commission Expires 07/08/2009

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# **Condensed Transcript**

## **Deposition of Kathy Gilmore**

**taken on  
5/30/2008**

**Ron Blocker  
v.  
Equity Group**

**Case No. 2:07cv722MHT - WC**



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Kathy Gilmore  
May 30, 2008

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF ALABAMA

NORTHERN DIVISION

RON BLOCKER,

Plaintiff,

vs.

CASE NO. 2:07cv722MHT-WC

EQUITY GROUP, EUFAULA DIVISION,

L.L.C.,

Defendants.

\* \* \* \* \*

Kathy Gilmore  
May 30, 2008

2

1 \* \* \* \* \*

2 APPEARANCES

3

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5

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Kathy Gilmore  
May 30, 2008

<p>3</p> <p>1</p> <p>2 STIPULATIONS</p> <p>3</p> <p>4 It is hereby stipulated and</p> <p>5 agreed by and between counsel representing</p> <p>6 the parties that the deposition of KATHY</p> <p>7 GILMORE is taken pursuant to the Rules of</p> <p>8 Civil Procedure, and that said deposition</p> <p>9 may be taken before Cornelia J. Baker,</p> <p>10 Certified Court Reporter, as Commissioner,</p> <p>11 without the formality of a commission; that</p> <p>12 objections to questions, other than</p> <p>13 objections as to the form of the questions,</p> <p>14 need not be made at this time, but may be</p> <p>15 reserved for a ruling at such time as the</p> <p>16 deposition may be offered into evidence, or</p> <p>17 used for any other purpose by either party</p> <p>18 hereto, provided by the Statute.</p> <p>19 It is further stipulated and agreed by</p> <p>20 and between counsel representing the parties</p> <p>21 in this case, that the filing of the</p> <p>22 deposition of KATHY GILMORE is hereby</p> <p>23 waived, and that said deposition may be</p> <p>24 introduced at the trial of this case or used</p> <p>25 in any other manner by either party hereto</p>	<p>5</p> <p>1 * * * * *</p> <p>2 INDEX</p> <p>3</p> <p>4 EXAMINATION PAGE</p> <p>5 BY MR. ROBERSON: 8</p> <p>6 BY MR. SMITH: 70</p> <p>7 EXHIBIT PAGE</p> <p>8 Plaintiff's Exhibit No. 1 ..... 20</p> <p>9</p> <p>10 Plaintiff's Exhibit No. 2 ..... 23</p> <p>11</p> <p>12 Plaintiff's Exhibit No. 3 ..... 24</p> <p>13</p> <p>14 Plaintiff's Exhibit No. 4 ..... 28</p> <p>15</p> <p>16 Plaintiff's Exhibit No. 5 ..... 64</p> <p>17</p> <p>18 Plaintiff's Exhibit No. 6 ..... 67</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>4</p> <p>1 provided for by the Statute, regardless of</p> <p>2 the waiving of the filing of same.</p> <p>3 It is further stipulated and agreed by</p> <p>4 and between counsel and the witness that the</p> <p>5 reading and signing of the deposition by the</p> <p>6 witness is hereby waived.</p> <p>7</p> <p>8 * * * * *</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>6</p> <p>1 KATHY GILMORE,</p> <p>2 The Witness, having first been sworn</p> <p>3 or affirmed to speak the truth, the whole</p> <p>4 truth, and nothing but the truth,</p> <p>5 testified as follows:</p> <p>6 MR. ROBERSON: The usual</p> <p>7 stipulations?</p> <p>8 MR. SMITH: Yeah.</p> <p>9 MR. ROBERSON: Have you got any</p> <p>10 documents?</p> <p>11 MR. SMITH: Yeah. That's</p> <p>12 what we've got in response</p> <p>13 to your notice, is a copy</p> <p>14 of the Saturday pay policy,</p> <p>15 which Ms. Gilmore can</p> <p>16 explain that if need be.</p> <p>17 And then there's a form</p> <p>18 that goes with that when</p> <p>19 that's requested.</p> <p>20 And this is a</p> <p>21 document that's arguably</p> <p>22 responsive to your earlier</p> <p>23 discovery request. It was</p> <p>24 a complaint from a temp</p> <p>25 employee in December that</p>



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<p>7</p> <p>1 she found. It's not part 2 of his personnel file. I'm 3 not sure how relevant it 4 is, but you can look at it 5 and see anyway. 6 And then this -- we 7 think that Buck Giles, 8 Robert Giles, replaced him 9 as supervisor. And this is 10 his personnel file. It 11 doesn't have his -- what do 12 you call that green sheet? 13 THE WITNESS: The pay sheet. 14 MR. SMITH: But that's being 15 faxed. It wasn't in his 16 personnel. We've got 17 somebody tracking that down 18 now. So we'll get that in 19 a minute. 20 And let's see. As 21 to the rest of them, we 22 produced the -- we don't 23 have any other statements, 24 other than . . . 25 MR. ROBERSON: What I was</p>	<p>9</p> <p>1 A. Yes, sir. 2 Q. Where was the case; where was 3 it pending? 4 A. Here. 5 Q. In Barbour County? 6 A. In Barbour County. 7 Q. And who were you working for at 8 the time? 9 A. Columbus Mills. 10 Q. Do you remember the lawyer who 11 took your deposition? I hope it wasn't me. 12 A. No. Tommy Gaither was the 13 local counsel. I don't remember -- 14 Q. He was your lawyer? 15 A. No. Our lawyer was -- 16 Q. Oh. Tommy Gaither was 17 representing the Plaintiff? 18 A. Yeah -- well, somebody from 19 Birmingham was representing, but Tommy was 20 the local. 21 Q. Did somebody get caught up in a 22 machine or something? 23 A. No. It was a -- he fell and 24 slipped, I think, at Columbus Mills, in the 25 water.</p>
<p>8</p> <p>1 asking you, primarily, was 2 these guys that -- you 3 know, that she did that 4 interview -- 5 MR. SMITH: Right. 6 MR. ROBERSON: -- and it's 7 typed up. Are there any 8 statements? 9 MR. SMITH: No, just her -- no, 10 this is all we have. 11 MR. ROBERSON: Okay. That's 12 primarily what I was 13 asking. 14 All right. Let's 15 get started. 16 EXAMINATION 17 BY MR. ROBERSON: 18 Q. Ms. Gilmore, my name is Jerry 19 Roberson, and I represent Ron Blocker. Have 20 you ever given a deposition before? 21 A. Yes, I have. 22 Q. How many times? 23 A. Once. 24 Q. And was it a business matter, 25 or --</p>	<p>10</p> <p>1 Q. Okay. All right. It was an 2 injury case? 3 A. Right. 4 Q. All right. What's your 5 residence address, please, ma'am? 6 A. 308 Gregory Drive. 7 Q. Is that here in -- or in 8 Eufaula? 9 A. Yes, sir. 10 Q. 36067? 11 A. 27. 12 Q. 27. All right. And are you 13 married? 14 A. Yes, sir. 15 Q. What's your husband's name? 16 A. James Davis. 17 Q. I feel sorry for you. 18 How long have you been married 19 to James Davis? 20 A. Almost a year, a year in July. 21 Q. Okay. So at the time that 22 Mr. Blocker was fired, you were not married 23 to him? 24 A. True, yes, sir. 25 Q. Were you married?</p>

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<p style="text-align: right;">11</p> <p>1 A. Yes, sir.</p> <p>2 Q. At that time? And that was May</p> <p>3 of 2005.</p> <p>4 A. No, I wasn't. Huh-uh, no I</p> <p>5 wasn't.</p> <p>6 Q. Have you been married before</p> <p>7 Mr. Davis?</p> <p>8 A. Yes.</p> <p>9 Q. To whom?</p> <p>10 A. Wayne Gilmore.</p> <p>11 Q. And is he still living?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Where does he live?</p> <p>14 A. Chewalla Circle, here in</p> <p>15 Eufaula.</p> <p>16 Q. What does he do?</p> <p>17 A. He works at Alabama Power.</p> <p>18 Q. Okay. What does he do for</p> <p>19 them?</p> <p>20 A. He's an engineer.</p> <p>21 Q. Any other marriages?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Who?</p> <p>24 A. Eric Glover.</p> <p>25 Q. And does he still live here?</p>	<p style="text-align: right;">13</p> <p>1 A. Jim Bise.</p> <p>2 Q. Is he still there?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Now, have you had -- what's the</p> <p>5 extent of your education?</p> <p>6 A. I graduated, a four-year degree</p> <p>7 at Troy State.</p> <p>8 Q. In what?</p> <p>9 A. Troy -- oh, I'm sorry. Office</p> <p>10 Management.</p> <p>11 Q. And when did you receive that</p> <p>12 degree, what year?</p> <p>13 A. 1982.</p> <p>14 Q. And have you worked since that</p> <p>15 time? Where did you work before the chicken</p> <p>16 plant?</p> <p>17 A. Columbus Mills.</p> <p>18 Q. For how long?</p> <p>19 A. Five years.</p> <p>20 Q. And was that in HR also?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What was your position?</p> <p>23 A. HR manager.</p> <p>24 Q. And so that would be from '96</p> <p>25 to 2001, approximately?</p>
<p style="text-align: right;">12</p> <p>1 A. Yes, sir, in Eufaula.</p> <p>2 Q. Okay. And any other marriages?</p> <p>3 A. That's it.</p> <p>4 Q. Okay. Now, how long have you</p> <p>5 worked for -- I'm going to call where you're</p> <p>6 working now the chicken plant.</p> <p>7 A. Okay. Seven years.</p> <p>8 Q. Seven years?</p> <p>9 A. Uh-huh (affirmative response).</p> <p>10 Q. And when you first went to work</p> <p>11 there, it was CP?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And now it's Equity Group?</p> <p>14 A. Uh-huh (affirmative response).</p> <p>15 Q. When did you begin working,</p> <p>16 2001?</p> <p>17 A. March of 2001, yes, sir.</p> <p>18 Q. Were you hired in at your</p> <p>19 present position?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And that's HR?</p> <p>22 A. Uh-huh (affirmative response).</p> <p>23 Q. Do you have a title?</p> <p>24 A. Assistant HR Manager.</p> <p>25 Q. Who's the HR Manager?</p>	<p style="text-align: right;">14</p> <p>1 A. Yes, sir.</p> <p>2 Q. Where did you work between '82</p> <p>3 and '96?</p> <p>4 A. Alabama Power.</p> <p>5 Q. In what capacity?</p> <p>6 A. Different departments. Started</p> <p>7 out actually in the mailroom, starting out.</p> <p>8 Moved from the mailroom to the claims</p> <p>9 department. From there, got promoted to</p> <p>10 support services, and then substation</p> <p>11 transmission lines.</p> <p>12 Q. Okay. Is that the last</p> <p>13 position you held there, substation --</p> <p>14 A. Transmission lines, yes, sir.</p> <p>15 Q. Was that in Eufaula?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Why did you leave the power</p> <p>18 company? I didn't think anybody ever left</p> <p>19 the power company.</p> <p>20 A. Actually, Columbus Mills called</p> <p>21 me. Butch McRae [phonetic] called me and</p> <p>22 asked me if I'd be interested in coming to</p> <p>23 talk to him about an HR position. And I did.</p> <p>24 Q. Well, now, I understand --</p> <p>25 first of all, were you involved in any way in</p>

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<p>15</p> <p>1 the decision to terminate Ron Blocker?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And what was your role</p> <p>4 in that decision?</p> <p>5 A. I made the recommendation.</p> <p>6 Q. Okay. What position was he</p> <p>7 terminated from?</p> <p>8 A. He was a maintenance</p> <p>9 supervisor.</p> <p>10 Q. And how long had he been a</p> <p>11 maintenance supervisor?</p> <p>12 A. Approximately, six months.</p> <p>13 Q. Okay. Before he was a</p> <p>14 supervisor, what did he do?</p> <p>15 A. He worked in maintenance.</p> <p>16 Q. Okay. Do you know why he was</p> <p>17 promoted to supervisor?</p> <p>18 A. I didn't make that decision.</p> <p>19 Q. Who did?</p> <p>20 A. I guess Reb and Greg, Reb</p> <p>21 Bludworth and Greg Mills.</p> <p>22 Q. Well, are you normally involved</p> <p>23 in promotions?</p> <p>24 A. The only involvement I have is</p> <p>25 if someone wants to promote somebody, they</p>	<p>17</p> <p>1 promotion to management?</p> <p>2 A. I would certainly take a look</p> <p>3 at attendance and suspension issues, maybe.</p> <p>4 Disciplinary actions.</p> <p>5 Q. Well, when Equity Group took</p> <p>6 over the chicken plant, were there some</p> <p>7 changes made in the practices out there from</p> <p>8 your standpoint, HR?</p> <p>9 A. Certainly, uh-huh.</p> <p>10 Q. What were they?</p> <p>11 A. I think we changed the</p> <p>12 attendance policy. There were some policy</p> <p>13 changes.</p> <p>14 Q. Okay. What did you change the</p> <p>15 attendance policy to?</p> <p>16 A. We had an attendance policy</p> <p>17 that required four occurrences within a</p> <p>18 ninety-day period. We changed that to -- we</p> <p>19 changed that to -- I think it was six within</p> <p>20 forty-five. So there were some changes made.</p> <p>21 There were some changes made in, you know,</p> <p>22 management.</p> <p>23 Q. You mean, in the personnel</p> <p>24 staff at the chicken plant; is that what you</p> <p>25 mean?</p>
<p>16</p> <p>1 approach me. And I pull their file and let</p> <p>2 them take a look at it. But their decision</p> <p>3 is the final decision.</p> <p>4 Q. All right. Did they take a</p> <p>5 look at his file before they promoted him?</p> <p>6 A. I don't recall.</p> <p>7 Q. They didn't approach you and</p> <p>8 ask you to pull it?</p> <p>9 A. I don't remember.</p> <p>10 Q. Well, they wouldn't promote</p> <p>11 somebody without looking at his file, would</p> <p>12 they?</p> <p>13 MR. SMITH: Object to the form.</p> <p>14 You can answer.</p> <p>15 A. That's usually what they do.</p> <p>16 Q. Right. If they followed their</p> <p>17 usual practice, they would have, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Now, do you know what kind of</p> <p>20 person they were looking for to be a</p> <p>21 maintenance supervisor; did y'all have any</p> <p>22 discussion about that?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Are there things in your file</p> <p>25 that would make you ineligible to receive a</p>	<p>18</p> <p>1 A. Uh-huh (affirmative response).</p> <p>2 Q. Is that a yes?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And what changes were made in</p> <p>5 the staffing at the chicken plant?</p> <p>6 A. I know Al Rhodes was</p> <p>7 replaced -- of some manager -- to Spence</p> <p>8 Jernigan.</p> <p>9 Q. What was Mr. Rhodes' position?</p> <p>10 A. I want to say general manager.</p> <p>11 Q. Okay. And Spence Jernigan</p> <p>12 became the general manager?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Was Mr. Rhodes let go or just</p> <p>15 had a change in his role?</p> <p>16 A. He was let go.</p> <p>17 Q. Okay. Any other changes that</p> <p>18 you're aware of?</p> <p>19 A. We started up the cook plant.</p> <p>20 Mike Courtner [phonetic] came over from</p> <p>21 Camilla as manager over there.</p> <p>22 Q. Mike who?</p> <p>23 A. Courtner.</p> <p>24 Q. All right. Anything else?</p> <p>25 A. That's all I can -- at this</p>

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<p style="text-align: right;">19</p> <p>1 time.</p> <p>2 Q. Make any decisions about</p> <p>3 overtime; make any new policies about</p> <p>4 overtime that you're aware of?</p> <p>5 A. Not that I'm aware of, except</p> <p>6 for the Saturday overtime for supervisors</p> <p>7 that came into effect.</p> <p>8 Q. When did that come into effect?</p> <p>9 A. According to that paperwork,</p> <p>10 May of 2005.</p> <p>11 Q. Right after Ron Blocker left?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Well, that's a coincidence,</p> <p>14 isn't it?</p> <p>15 MR. SMITH: Object to the form.</p> <p>16 Let's look at the date.</p> <p>17 And object to the</p> <p>18 predicate, that it was</p> <p>19 right after he left.</p> <p>20 Appears to be right before</p> <p>21 he left.</p> <p>22 MR. ROBERSON: That's even</p> <p>23 better.</p> <p>24 BY MR. ROBERSON:</p> <p>25 Q. I'll show you what I'll mark as</p>	<p style="text-align: right;">21</p> <p>1 effective date of May the 9th, correct, 2005?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. And Ron Blocker, I</p> <p>4 believe, was discharged May the 17th, 2005;</p> <p>5 is that correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. So it's your testimony</p> <p>8 that this policy began one week prior to his</p> <p>9 discharge?</p> <p>10 A. As far as I know.</p> <p>11 Q. Well, when they start a new</p> <p>12 policy, do they put it up on the bulletin</p> <p>13 board or anything, post it in some fashion?</p> <p>14 A. No, not necessarily.</p> <p>15 Q. Well, how do the supervisors</p> <p>16 become aware of the new policy, ma'am?</p> <p>17 A. Now, I just started paying my</p> <p>18 HR manager that Saturday pay about six, seven</p> <p>19 months ago, so it's -- I don't know when</p> <p>20 exactly it would have been told to the</p> <p>21 supervisors.</p> <p>22 Q. Well, aren't you the person who</p> <p>23 is responsible for implementing the new</p> <p>24 policies?</p> <p>25 MR. SMITH: Object to the form.</p>
<p style="text-align: right;">20</p> <p>1 Exhibit 1 to your deposition and ask you if</p> <p>2 this is the policy to which you refer?</p> <p>3 (Whereupon Plaintiff's Exhibit</p> <p>4 No. 1 was marked for</p> <p>5 identification and attached</p> <p>6 hereto.)</p> <p>7 (Witness reviewed document.)</p> <p>8 A. Yes, sir. That was given to me</p> <p>9 by Greg Mills.</p> <p>10 Q. When was it given to you?</p> <p>11 A. I brought it this morning.</p> <p>12 Q. But when did he give it to you?</p> <p>13 A. This morning.</p> <p>14 Q. You hadn't seen it before</p> <p>15 today?</p> <p>16 A. Well, it was a policy. I</p> <p>17 didn't have it in my possession.</p> <p>18 Q. Well, have you ever seen it</p> <p>19 before it was given to you this morning? As</p> <p>20 the HR Assistant Manager, had you ever seen</p> <p>21 that policy?</p> <p>22 A. Yes, I've seen it.</p> <p>23 Q. When did you see it first?</p> <p>24 A. It's been a while.</p> <p>25 Q. Well, and it's dated --</p>	<p style="text-align: right;">22</p> <p>1 Q. You can answer.</p> <p>2 A. Either me or Jim Bice.</p> <p>3 Q. So would that be a failure on</p> <p>4 your part not to comply with the existing pay</p> <p>5 policy?</p> <p>6 MR. SMITH: Object to the form.</p> <p>7 A. Me complying?</p> <p>8 Q. Yeah. If your supervisor</p> <p>9 worked there on Saturdays for two years</p> <p>10 without getting paid, wouldn't that be your</p> <p>11 fault?</p> <p>12 MR. SMITH: Object to the form.</p> <p>13 Q. You can answer.</p> <p>14 A. Not necessarily.</p> <p>15 Q. Well, whose fault would it be,</p> <p>16 ma'am?</p> <p>17 A. It was just decided to pay him</p> <p>18 six or seven months ago. I'm not paid on</p> <p>19 Saturdays.</p> <p>20 Q. Who decided to pay?</p> <p>21 A. My boss.</p> <p>22 Q. Do you work Saturdays?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Are you a salaried, exempt</p> <p>25 employee?</p>

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<p style="text-align: right;">23</p> <p>1 A. Salaried employee, yes, sir. 2 Q. And let me mark as Exhibit 2 3 this sheet that apparently goes along with 4 this policy. Is that just a sheet that's 5 submitted -- is Exhibit 2 just a sheet that's 6 sent to payroll? 7 (Whereupon Plaintiff's Exhibit 8 No. 2 was marked for 9 identification and attached 10 hereto.) 11 (Witness reviewed document.) 12 A. It is. 13 Q. To reflect that they work, and 14 they're entitled to this additional 15 compensation? 16 A. Saturday pay, yes, sir. 17 Q. Okay. Do you know who made the 18 decision to implement this policy? 19 A. I think the policy actually was 20 done in other Keystone facilities. So Spence 21 Jernigan and Jim Bice would have made the 22 decision to implement the policy. 23 Q. In Eufaula? 24 A. Yes, sir. 25 Q. Okay. And do you know when</p>	<p style="text-align: right;">25</p> <p>1 identification and attached 2 hereto.) 3 (Witness reviewed document.) 4 A. This is -- a Staffing Solution 5 employee made a complaint about how Ron was 6 treating him. 7 Q. Who is the employee? 8 A. Rosheed Whigham. 9 Q. Is he probably not from Eufaula 10 originally? 11 A. I'm not sure. 12 MR. SMITH: If he's a Whigham, 13 I'll bet he is. In Barbour 14 County. 15 A. I don't know. I didn't know 16 him. 17 Q. Let's see. Well, did he make 18 this complaint to personnel at Staffing 19 Solutions or did he make this complaint to 20 you? 21 A. At Staffing Solutions. And 22 they faxed it to me. 23 Q. Okay. And did he make this 24 complaint while he was working at Equity 25 Group?</p>
<p style="text-align: right;">24</p> <p>1 they did that -- 2 A. No, I don't. 3 Q. -- when they made that 4 decision? 5 A. I do not know. 6 Q. Do you know why they made that 7 decision? 8 A. I do not. 9 Q. They hadn't ever had any 10 discussions with you about it? 11 A. No, sir. 12 Q. Was it in response to any 13 complaints that were made by the salaried 14 people? 15 A. Not to my knowledge. 16 Q. I see. Well, were there ever 17 any complaints, that you were aware of, by 18 the salaried people about working in excess 19 of eighty hours a week? 20 A. No, sir. 21 Q. Well, while I'm marking, I'll 22 just mark this as Exhibit 3. Tell me what 23 Exhibit 3 is. 24 (Whereupon Plaintiff's Exhibit 25 No. 3 was marked for</p>	<p style="text-align: right;">26</p> <p>1 A. Yes, sir. 2 Q. Okay. It's dated 12/10/04, 3 which is the date it was sent from Christy 4 Lane at Staffing Solutions to Jim Bice, 5 correct? 6 A. Yes, sir. 7 Q. Okay. What action did y'all 8 take in response to this complaint? 9 A. I get these complaints. Most 10 of the time you -- when you have new 11 supervisors, of course, you're going to get 12 complaints about supervisors. When I get a 13 complaint like this, I would sit down with 14 the supervisor and use it basically as a 15 coaching tool to ask questions about what 16 happened and tell him how this is perceived. 17 Q. All right, ma'am. I want to be 18 clear about this. Did you talk to Ron 19 Blocker about this complaint, Mr. Whigham's 20 complaint? 21 A. I can't recall if I did. 22 Q. Was Ron Blocker ever made aware 23 that Mr. Whigham had made a complaint? 24 A. I cannot tell you that 25 100 percent, no, sir.</p>



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<p style="text-align: right;">27</p> <p>1 Q. Did you obtain any witness 2 statement from anybody listed in this 3 complaint in investigating Mr. Whigham's 4 complaint? 5 A. No, sir. 6 Q. Did you talk to Mr. Whigham? 7 A. I can't recall. 8 Q. Okay. Can you recall anything 9 you did or was done by Equity Group in 10 response to this complaint? 11 A. I can't recall. 12 Q. Okay. Thank you. But now, all 13 of a sudden, in this litigation, the 14 complaint that was not investigated or 15 reacted to in any way has become important? 16 MR. SMITH: Object to the form. 17 That's a total lack of 18 foundation. 19 Q. You can answer. 20 A. I missed the whole question. 21 What was it? 22 Q. Do you think this is somehow 23 important now? 24 A. I just found that. 25 Q. Okay. I'm going to mark this</p>	<p style="text-align: right;">29</p> <p>1 A. May 16th. 2 Q. 2005? 3 A. Uh-huh (affirmative response). 4 It's what it says here, yes, sir. 5 Q. Do you know when Mr. Pelham's 6 last day was? 7 A. I don't. 8 Q. You probably could obtain that 9 information, though, couldn't you? 10 A. Yes, sir. 11 Q. So it was your decision to 12 begin an investigation on Ron Blocker, 13 correct? 14 A. Correct. 15 Q. Did you have any discussions 16 with Mr. Bice before you began your 17 investigation? 18 A. Probably. 19 Q. You don't recall any? 20 A. I don't. But I usually do run 21 things by Jim before I do proceed. 22 Q. Okay. Well, in fact, did you 23 get a call from Ken Pelham on May 16th? 24 A. Yes. 25 Q. And is that what prompted you</p>
<p style="text-align: right;">28</p> <p>1 as Exhibit 4 to your deposition. Now, can 2 you tell me what Exhibit 4 is? 3 (Whereupon Plaintiff's Exhibit 4 No. 4 was marked for 5 identification and attached 6 hereto.) 7 (Witness reviewed document.) 8 A. These are the notes that I took 9 when I interviewed these employees. 10 Q. I see. Now, who asked you to 11 interview employees? 12 A. I had received a couple of 13 complaints about treatment on the third-shift 14 maintenance, and I decided to do an 15 investigation. 16 Q. Okay. Who did you receive 17 complaints from? 18 A. Ken Pelham. 19 Q. After he was fired, he made a 20 complaint? 21 MR. SMITH: Object to the form. 22 A. I'm not sure whether it was 23 after he was fired or during his employment. 24 Q. When did you begin your 25 investigation?</p>	<p style="text-align: right;">30</p> <p>1 to begin your investigation? 2 A. Well, there were several issues 3 that had come up about this. It was also an 4 e-mail circulated to the company from a Jim 5 Allen saying how he had been abused on third 6 shift. 7 Q. Who is Jim Allen? 8 A. He was a former employee. 9 Q. In the maintenance department? 10 A. Yes, sir. 11 Q. And when did he work there? 12 A. I don't recall right now. 13 Q. Was there a maintenance 14 supervisor on the third shift before Ron 15 Blocker? 16 A. I don't remember. I don't 17 recall who it would be. 18 Q. Well, was this a new position 19 that was being created, a maintenance 20 supervisor on the third shift, or did he 21 replace somebody? 22 A. I don't recall. 23 Q. Well, do you think there's 24 anybody out at Equity Group who might recall 25 or if there's some document you might look at</p>

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<p style="text-align: right;">31</p> <p>1 to refresh your recollection?</p> <p>2 A. Reb may know. He's been the</p> <p>3 maintenance manager for quite a few years.</p> <p>4 Q. Okay. Well, we'll get to him</p> <p>5 in just a few minutes.</p> <p>6 So Jim Allen made a complaint.</p> <p>7 Was his complaint in writing?</p> <p>8 A. From an e-mail, yes.</p> <p>9 Q. Where's the e-mail?</p> <p>10 A. I don't have it.</p> <p>11 Q. What was his complaint?</p> <p>12 A. That he had been abused and</p> <p>13 mistreated on the third shift, and . . .</p> <p>14 Q. Did he tell you what form this</p> <p>15 abuse had taken place in, how he was abused?</p> <p>16 A. Well, he talked about being</p> <p>17 struck.</p> <p>18 Q. Who struck him?</p> <p>19 A. I don't recall.</p> <p>20 Q. Anything else?</p> <p>21 A. No, sir.</p> <p>22 Q. Jim Allen, Ken Pelham, all</p> <p>23 former employees. Now, did Jim Allen ever</p> <p>24 make a complaint while he was working out</p> <p>25 there?</p>	<p style="text-align: right;">33</p> <p>1 A. He just didn't think he was</p> <p>2 being treated right on third shift.</p> <p>3 Q. Okay. Well, how did you</p> <p>4 address that complaint?</p> <p>5 A. I would have told Ron Blocker.</p> <p>6 Q. You would have told him? You</p> <p>7 would have come to see Ron?</p> <p>8 A. I would call Ron to come see</p> <p>9 me.</p> <p>10 Q. Okay. And did he?</p> <p>11 A. To my knowledge, yes.</p> <p>12 Q. You don't recall that</p> <p>13 conversation, though, correct?</p> <p>14 A. Correct.</p> <p>15 Q. There's no writing that</p> <p>16 reflects a conversation ever took place,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. There's nothing in his</p> <p>20 personnel file to indicate that James</p> <p>21 Allen -- Jim Allen, ever complained and that</p> <p>22 he was ever counseled about such a complaint,</p> <p>23 is there?</p> <p>24 A. No, sir.</p> <p>25 Q. Okay. Any other complaints,</p>
<p style="text-align: right;">32</p> <p>1 A. He did come to see me one time,</p> <p>2 yes.</p> <p>3 Q. Okay. When did he come?</p> <p>4 A. Sometime that 2005.</p> <p>5 Q. Well, you're an HR person,</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. When somebody comes to see you,</p> <p>9 it's important, correct; they're coming to</p> <p>10 HR?</p> <p>11 A. Yes, sir.</p> <p>12 Q. You're going to address their</p> <p>13 needs, right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. You're going to make a record</p> <p>16 of their visit, right?</p> <p>17 A. Not necessarily.</p> <p>18 Q. Oh. Well, did you make a</p> <p>19 record of his visit with you in 2005?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Okay. How long did he stay in</p> <p>22 your office?</p> <p>23 A. I don't recall.</p> <p>24 Q. What was the nature of his</p> <p>25 complaint?</p>	<p style="text-align: right;">34</p> <p>1 ma'am?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. Okay. Now, on May 16th, you</p> <p>4 began your investigation, and you -- oh, did</p> <p>5 you have a phone interview with Ken Pelham or</p> <p>6 did he come down to the plant?</p> <p>7 A. I remember seeing him, but I</p> <p>8 don't remember when it was.</p> <p>9 Q. Well, this indicates that he</p> <p>10 was fired when he was discussing this with</p> <p>11 you; do you recall that now?</p> <p>12 A. No, sir.</p> <p>13 Q. Have you reviewed this</p> <p>14 Exhibit 4 before your deposition?</p> <p>15 A. I did briefly, yes, sir.</p> <p>16 Q. Ken said that Ron humiliates</p> <p>17 him by calling him "tool boy." What was Ken</p> <p>18 Pelham's job?</p> <p>19 A. He worked in the tool cage.</p> <p>20 Q. Was he assigned to get tools to</p> <p>21 the maintenance workers?</p> <p>22 A. Yes, sir.</p> <p>23 Q. If they needed supplies, saw</p> <p>24 blades, things like that, he would check them</p> <p>25 out to them?</p>

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<p>35</p> <p>1 A. As far as I know. 2 Q. He would distribute the tools 3 on the third shift, correct? 4 A. Yes, sir. 5 Q. Well, and would it be his 6 responsibility to remain in the tool area, 7 which has wire around it to limit access to 8 the tools, the cage as you described it? 9 A. Yes, sir, as far as I know. 10 Q. Would that be his assigned work 11 area? 12 A. Yes, sir. 13 Q. And so if Ron told him to get 14 in his cage, he would be exercising his 15 supervisory authority correctly, wouldn't he? 16 A. Yes. I do think that's an ugly 17 way to put it. 18 Q. Well, so Mr. Blocker was 19 insensitive is what you're suggesting? 20 A. Yes, sir. 21 Q. Okay. And what should he have 22 called it, if not a cage? What should he 23 have said, Get back in the tool area? 24 A. That would have been 25 appropriate.</p>	<p>37</p> <p>1 ago. 2 Q. Did she indicate why she was 3 leaving? 4 A. No, sir. 5 Q. Who's James Bragg? 6 A. He was a maintenance man with 7 us, supervisor. He was promoted to an IT 8 supervisor. 9 Q. Is he still with your company? 10 A. No, sir. 11 Q. Was he fired or did he quit? 12 A. Yes. He was terminated. 13 Q. Why was he terminated? 14 A. The last incident was -- we had 15 some issues with him. He was supposed to go 16 out to California to some IT Keystone 17 convention thing. He never showed up. We 18 called over to his house where he lived in 19 Phenix City. And he was still at home and 20 elected just not to go. And the folks in 21 California were looking for him, and we were 22 looking for him. And that was what happened 23 with James Bragg. 24 Q. The last straw, so to speak? 25 A. Yes, sir.</p>
<p>36</p> <p>1 Q. Okay. Who is Darrell McCartha? 2 A. He was a previous employee. 3 Q. Okay. Did he transfer from the 4 third shift to the first shift? 5 A. As I recall, yes, sir. 6 Q. Is he still with the company? 7 A. Not to my knowledge. 8 Q. Was he fired? 9 A. I don't recall. 10 Q. Who's Glenda Merritt? 11 A. She was a QA supervisor. 12 Q. Did she work on third shift? 13 A. Actually, she worked on first 14 shift. She came in early to do like pre-op 15 for machines, to make sure that they were 16 cleaned before the workday began. 17 Q. Okay. Is she still employed 18 there? 19 A. No, sir. 20 Q. Was she fired? 21 A. No, sir. 22 Q. Did she quit? 23 A. Yes, sir. 24 Q. When did she quit? 25 A. It's been a couple of years</p>	<p>38</p> <p>1 Q. Okay. Does Alan Carpenter 2 still work for you? 3 A. Yes, sir. 4 Q. What does he do? 5 A. I think he's still in 6 maintenance. 7 Q. Still on third shift? 8 A. I'm not for sure. 9 Q. What about Josh Bradford? 10 A. No, sir. He was let go two 11 weeks ago, approximately. 12 Q. What for? 13 A. He had attendance issues. 14 Q. He didn't come to work? 15 A. Yes, sir. 16 Q. Okay. What was his job before 17 he was let go? 18 A. He was in maintenance. And was 19 on third shift. 20 Q. Who replaced Ron Blocker as 21 maintenance foremen on third shift? 22 A. To my knowledge, it was Buck 23 Giles. 24 Q. Is he still there? 25 A. Yes, sir.</p>

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<p style="text-align: right;">39</p> <p>1 Q. Is he still third-shift 2 supervisor? 3 A. No, sir. He has moved to 4 second. 5 Q. Who's the third-shift 6 supervisor now? 7 A. James Key. 8 Q. When did he take over? Do you 9 know? 10 A. I don't recall. It's been a 11 while. 12 Q. What about Rex Faircloth, is he 13 still working for you? 14 A. No, sir. He's deceased. 15 Q. Oh, sorry to hear that. Was he 16 working for you at the time of his death? 17 A. Yes, sir. 18 Q. Maintenance, third shift? 19 A. Yes, sir. 20 Q. All right. Now, when you were 21 doing your investigation into Ron Blocker, 22 were you aware that it could lead to his 23 termination? 24 A. If the findings would warrant 25 termination, yes, sir.</p>	<p style="text-align: right;">41</p> <p>1 saying, ma'am? 2 A. I just didn't feel like it was 3 necessary. 4 Q. Why not? Why wouldn't it be 5 necessary? 6 A. That's not the way I chose to 7 interview these people. 8 Q. Well, looking back on it, do 9 you wish you had obtained signed statements? 10 A. Not necessarily. 11 Q. Well, did y'all do some 12 investigation into a vending machine 13 incident? Mr. Bice, did he do an 14 investigation into a vending machine 15 vandalism incident? 16 A. To my recollection, yes, he 17 did. 18 Q. Where's that? 19 A. I don't know. I don't have 20 that. 21 Q. Well, does he? Does Equity 22 Group? 23 A. Not to my knowledge. 24 Q. Well, what investigation did he 25 do, ma'am?</p>
<p style="text-align: right;">40</p> <p>1 Q. Well, do y'all have forms out 2 there for witnesses to sign statements? 3 A. No, sir. 4 Q. Have you ever had an 5 investigation where you obtained signed 6 statements from witnesses? 7 A. Yes, sir. 8 Q. Under what circumstances do you 9 do that, ma'am? 10 A. Depends on the situation. If 11 something happens in the plant, a lot of the 12 supervisors will take statements and then 13 bring it to me. And I'll complete the 14 investigation. 15 Q. Okay. Well, you didn't obtain 16 any witness statements before Mr. Blocker was 17 discharged, correct? 18 MR. SMITH: Object to the form. 19 A. No. 20 Q. Why not? 21 A. I interviewed everybody 22 personally. 23 Q. Great. Why didn't you obtain a 24 witness statement and get them to sign it and 25 acknowledge that that's what they were</p>	<p style="text-align: right;">42</p> <p>1 A. I don't know. 2 Q. Never discussed it with you? 3 A. No, sir. 4 Q. You don't know the outcome of 5 that investigation? 6 A. Not from Jim Bice, no. 7 Q. From any source? 8 A. No, sir. 9 Q. Was anybody disciplined as a 10 result of vandalism to a vending machine? 11 A. Not that I can recall. 12 Q. Was anybody disciplined besides 13 Ron Blocker? 14 MR. SMITH: Object to the form. 15 A. Disciplined when? 16 Q. Well, you recall that Ron 17 Blocker was suspended and then fired, 18 correct? 19 A. Yes, sir. 20 Q. I call that discipline. Was 21 anybody else disciplined besides Ron Blocker 22 as a result of the investigation into the 23 third shift? 24 A. No, sir. 25 Q. Well, you were made aware of</p>

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<p style="text-align: right;">43</p> <p>1 inappropriate behavior on the part of 2 numerous people under Blocker's supervision, 3 correct? 4 A. Say that again. 5 Q. There were allegations of 6 inappropriate conduct on the part of numerous 7 people, correct? 8 A. Allegations of misconduct 9 from -- I'm sorry. I'm kind of distracted. 10 Say again. 11 Q. You recorded numerous 12 allegations of misconduct involving several 13 people, correct? 14 A. Yes, sir. 15 Q. Was anybody else disciplined 16 other than Ron Blocker? 17 A. Not to my knowledge. 18 Q. Why not? 19 A. Because Ron was the manager 20 over that shift, and he was ultimately 21 responsible for his employees. 22 Q. Well, if you had proof of 23 misconduct, why didn't you take some action, 24 ma'am? 25 A. I did.</p>	<p style="text-align: right;">45</p> <p>1 of that? 2 A. No, sir. 3 Q. Is that more than you make? 4 A. Yes, sir. 5 Q. And he took a job as a 6 supervisor where he got paid a salary. Do 7 you know what his salary was as maintenance 8 foreman on the third shift? 9 A. In his deposition, I believe he 10 said 48,000. 11 Q. Do you know why somebody would 12 agree to work a job and take a \$12,000 pay 13 cut to be a supervisor; can you think of any 14 reason why they would do that? 15 A. No, sir. 16 Q. That doesn't make sense, does 17 it? 18 MR. SMITH: Object to the form. 19 Q. Ms. Gilmore? 20 A. What was the question? I'm 21 sorry. 22 Q. It doesn't make sense to take a 23 job that pays \$12,000 less? 24 MR. SMITH: Are you talking 25 about in theory or are you</p>
<p style="text-align: right;">44</p> <p>1 Q. You fired Ron Blocker, but what 2 did you do to his crew? 3 A. They weren't responsible for 4 their -- I mean, he was responsible for the 5 management of that shift. He was held 6 accountable for his employees. And we held 7 him accountable. 8 Q. I see. Ken Pelham named Alan 9 Carpenter, John Bradford, Rex Faircloth, and 10 Kelvin Heath. He said they lock him in his 11 cage. They throw bolts over the cage and hit 12 him in the head. Alan hit him in the head, 13 and it almost knocked him out. He said one 14 time someone threw something and busted his 15 lip. Did you take any action in response to 16 those complaints? 17 A. I did indeed. I went to the 18 management and disciplined them, who were 19 ultimately in charge of that shift. Ron 20 Blocker should have managed his employees on 21 that shift so that would not have happened. 22 Q. Do you know how much money Ron 23 Blocker made in 2004? 24 A. No, sir. 25 Q. He made \$60,000; were you aware</p>	<p style="text-align: right;">46</p> <p>1 talking about Ron Blocker's 2 actual job? 3 Q. Does it make much sense to take 4 a job that pays \$12,000 less? 5 A. People do it for different 6 reasons. 7 Q. Do you have any knowledge into 8 why Ron Blocker took the job? 9 A. No, I don't. 10 Q. Do you know who had 11 conversations with him before he took the 12 job? 13 A. No. Unless it was Reb and 14 Greg. 15 Q. Did you have any conversations 16 with him before he took the job as 17 maintenance supervisor? 18 A. Not to my knowledge. 19 Q. Now, Ron Blocker worked for you 20 before, didn't he, Columbus Mills? 21 A. He was at Columbus Mills, yes. 22 Q. While you were? 23 A. Yes, sir. 24 Q. Did you fire him from there? 25 A. I don't recall what happened,</p>



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<p style="text-align: right;">47</p> <p>1 why he left.</p> <p>2 Q. They closed that plant, didn't</p> <p>3 they, Columbus Mills?</p> <p>4 A. No, sir. It's Beaulieu of</p> <p>5 America.</p> <p>6 Q. Oh. Well, they've lost a lot</p> <p>7 of their supervisors, haven't they?</p> <p>8 A. I don't know.</p> <p>9 Q. Why did you leave?</p> <p>10 A. I just left to go the -- at</p> <p>11 that time, textiles was kind of soft. The</p> <p>12 hours were being kind of short at Beaulieu.</p> <p>13 We weren't running. And I figured everybody</p> <p>14 had to eat chicken. So I had to eat, so</p> <p>15 that's why I went somewhere else.</p> <p>16 Q. Do you consider yourself an HR</p> <p>17 professional?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Are you familiar with the Fair</p> <p>20 Labor Standards Act, ma'am?</p> <p>21 A. Yes. I am aware that you pay</p> <p>22 hours worked and . . .</p> <p>23 Q. Overtime, pay time-and-a-half</p> <p>24 for over forty hours, correct; you're aware</p> <p>25 of that?</p>	<p style="text-align: right;">49</p> <p>1 Let's take a break. And I</p> <p>2 want to talk to Ron for a</p> <p>3 minute.</p> <p>4 (Whereupon a brief recess was</p> <p>5 taken.)</p> <p>6 BY MR. ROBERSON:</p> <p>7 Q. Ms. Gilmore, you were here when</p> <p>8 Mr. Blocker was deposed, correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And you heard his testimony,</p> <p>11 correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And he indicated that he had</p> <p>14 some discussions with you about his</p> <p>15 compensation before you began your</p> <p>16 investigation; do you recall that?</p> <p>17 A. He did testify to that, yes.</p> <p>18 Q. I mean, I'm not asking you to</p> <p>19 agree with him, I'm just saying you recall</p> <p>20 that that's what he testified to --</p> <p>21 A. Yes, he did.</p> <p>22 Q. -- that he had conversations</p> <p>23 with you about the overtime issues he had,</p> <p>24 okay; is that correct?</p> <p>25 A. Yes, sir. He did testify to</p>
<p style="text-align: right;">48</p> <p>1 A. For hourly associates and</p> <p>2 salary not, yes, sir.</p> <p>3 Q. In fact, you know that it's</p> <p>4 illegal not to pay overtime, correct?</p> <p>5 MR. SMITH: Object to the form.</p> <p>6 A. I don't know all of the</p> <p>7 legalities of that. I don't.</p> <p>8 Q. Well, you do know that y'all</p> <p>9 pay your hourly people time-and-a-half for</p> <p>10 all time over forty hours worked?</p> <p>11 A. Yes, sir.</p> <p>12 Q. You are aware of that. And are</p> <p>13 you aware that it is illegal not to?</p> <p>14 A. Yes.</p> <p>15 Q. Thank you.</p> <p>16 MR. SMITH: This is still</p> <p>17 hourly employees; is that</p> <p>18 your question?</p> <p>19 MR. ROBERSON: Yes.</p> <p>20 BY MR. ROBERSON:</p> <p>21 Q. And it's your testimony that</p> <p>22 Ron Blocker never had any discussions with</p> <p>23 you about his pay; is that correct?</p> <p>24 A. Not that I can recall, no, sir.</p> <p>25 MR. ROBERSON: All right.</p>	<p style="text-align: right;">50</p> <p>1 that.</p> <p>2 Q. Okay. And your testimony is</p> <p>3 that you don't recall any meeting with him</p> <p>4 about that, correct?</p> <p>5 A. Yes, sir, correct.</p> <p>6 Q. Okay. His position and your</p> <p>7 position are different on that issue,</p> <p>8 correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. Now, with respect to the</p> <p>11 decision to promote him to maintenance</p> <p>12 supervisor, you believe that decision would</p> <p>13 have been made by Mr. Bludsworth and</p> <p>14 Mr. Mills?</p> <p>15 A. Yes, sir.</p> <p>16 Q. The decision to terminate him,</p> <p>17 you made a recommendation, correct?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Who else was involved in the</p> <p>20 decision to fire him?</p> <p>21 A. I would present what I had to</p> <p>22 my boss, Jim Bice.</p> <p>23 Q. Okay. Anybody else? Would</p> <p>24 Mr. Bludsworth and Mr. Mills be consulted?</p> <p>25 A. We would tell them what we</p>

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<p style="text-align: right;">51</p> <p>1 would recommend and what we were going to do.</p> <p>2 Q. Okay. I mean, he works for</p> <p>3 them, right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. So I hope they would be</p> <p>6 consulted and -- well, did they approve of</p> <p>7 the decision?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. Now, do you know how</p> <p>10 long Mr. Bludsworth's been out there at the</p> <p>11 chicken plant?</p> <p>12 A. I do not. He was there before</p> <p>13 I --</p> <p>14 Q. When you arrived?</p> <p>15 A. Right. He was there before I</p> <p>16 got there.</p> <p>17 Q. Was he in maintenance?</p> <p>18 A. Yes, sir. As far as I have</p> <p>19 known him, he's always been the maintenance</p> <p>20 manager.</p> <p>21 Q. And who is his boss? Do you</p> <p>22 know who he reports to?</p> <p>23 A. Greg.</p> <p>24 Q. Okay. And who is Greg's boss?</p> <p>25 Who does he report to?</p>	<p style="text-align: right;">53</p> <p>1 when an employee files for unemployment; that</p> <p>2 is, do you make any decision about whether to</p> <p>3 fight it or submit something in opposition to</p> <p>4 it?</p> <p>5 A. I do. My general philosophy, I</p> <p>6 guess, is I have someone that does the hourly</p> <p>7 employment -- unemployment. The salaried</p> <p>8 ones are sent to me. I elect to not answer</p> <p>9 those. I feel that that's kind of a perk as</p> <p>10 a manager. That's just my philosophy.</p> <p>11 Q. Have you ever opposed one?</p> <p>12 A. Not to my knowledge, no, sir.</p> <p>13 Q. Okay. So Ron Blocker, after he</p> <p>14 was terminated, did file for unemployment;</p> <p>15 you've aware of that?</p> <p>16 A. Yes, sir. I'm assuming he did,</p> <p>17 yes, sir.</p> <p>18 Q. Okay. And Equity Group did not</p> <p>19 oppose his application; are you aware of</p> <p>20 that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. And you're saying that's</p> <p>23 done because of your practice, because he was</p> <p>24 salaried?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">52</p> <p>1 A. The general manager. At this</p> <p>2 time, it's Tim Eslinger [phonetic].</p> <p>3 Q. When did he take over?</p> <p>4 A. He's only been there four or</p> <p>5 five months, maybe, two or three.</p> <p>6 Q. What happened to Mr. Jernigan?</p> <p>7 A. He went to Huntsville. He is</p> <p>8 the corporate HR manager now in Huntsville.</p> <p>9 Q. Is it fair to say that you made</p> <p>10 your recommendation to terminate Mr. Blocker</p> <p>11 on this Exhibit 4 based on your</p> <p>12 investigation?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Is that the only reason you</p> <p>15 made that recommendation to terminate him?</p> <p>16 A. Yes, sir.</p> <p>17 Q. In other words, it wasn't</p> <p>18 anything else that we haven't discussed?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. Now, do you agree with</p> <p>21 me that if Mr. Blocker engaged in the conduct</p> <p>22 that's recorded here, that he would be guilty</p> <p>23 of misconduct; do you agree with that?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. Do you play any role</p>	<p style="text-align: right;">54</p> <p>1 Q. Even though you have what you</p> <p>2 consider to be proof of misconduct that would</p> <p>3 require that he not draw his unemployment,</p> <p>4 correct?</p> <p>5 A. Right. I did not --</p> <p>6 Q. You could submit it, but you</p> <p>7 chose not to?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Even though you had that</p> <p>10 evidence --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- based on your interviews,</p> <p>13 correct?</p> <p>14 A. Yes, sir. I made that decision</p> <p>15 not to. I do it on all salaried.</p> <p>16 Q. Okay. Now, have you ever seen</p> <p>17 employees of Equity Group on a social basis?</p> <p>18 A. Have I? No, sir.</p> <p>19 Q. Okay. Have you ever seen Reb</p> <p>20 Bludsworth on a social basis?</p> <p>21 A. No, sir.</p> <p>22 Q. Okay. Do you fish?</p> <p>23 A. I do.</p> <p>24 Q. Bass tournaments or do you just</p> <p>25 run the bank or . . .</p>

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<p>55</p> <p>1 A. No. Just tinker. 2 Q. Who do you fish with, not now 3 that you're married, but before you were 4 married? 5 A. Who? 6 Q. Yeah. 7 A. I can't -- I don't know who I'd 8 have -- I don't understand, I guess. 9 Q. Well, do you go fishing by 10 yourself? 11 A. No. 12 Q. Well, who do you fish with? 13 A. Well, James. 14 Q. I know now. But before you 15 married James, who did you fish with? 16 A. I've gone with James before. 17 Q. Okay. Anybody else? 18 A. We had a little tournament 19 amongst the company that Greg and Reb and all 20 of us, Al and them. But we all kind of just 21 had a little tournament and fished. 22 Q. Who won? 23 A. Me. I was actually the only 24 one that caught a fish. 25 Q. Do you know how many employees</p>	<p>57</p> <p>1 MR. SMITH: Object to the form; 2 lack of foundation. And I 3 don't really understand 4 what you're talking about. 5 No reason to believe what? 6 MR. ROBERSON: That he was 7 fired for making complaints 8 that he wasn't receiving 9 overtime. 10 BY MR. ROBERSON: 11 Q. He doesn't have any basis to 12 make that complaint, does he? 13 A. No, huh-uh. 14 Q. Oh, I know -- I think he got 15 the position in November, and he was fired in 16 May, correct? November of '04, he was a 17 salaried person? 18 A. I think that's when he was 19 promoted. 20 Q. Yes. And then he worked until 21 May, which is maybe six or seven months, 22 correct? 23 A. Yes, sir. 24 Q. And during that period of time, 25 is there anybody besides Mr. Pelham and</p>
<p>56</p> <p>1 there are at Equity Group, approximately? 2 A. Approximately, 1,600. 3 Q. And Equity Group's right here 4 in Barbour County; their plant's in Barbour 5 County, right? 6 A. Yes, sir. That does include 7 the feed mill and hatchery. 8 Q. And Mr. Blocker was fired on 9 May 17th, correct? 10 A. Correct. 11 Q. And did y'all tell him anything 12 about why he was fired? I'm talking about 13 did you have any discussions with Mr. Blocker 14 about the reason for his termination? 15 A. As far as I can recall, it was 16 misconduct unbecoming of a member of 17 management. 18 Q. Okay. You have never told him 19 he was fired for his complaints of not being 20 paid overtime or being tricked into taking a 21 salaried position, correct? 22 A. No, sir. 23 Q. And it's your position that he 24 should have no reason to believe that, 25 correct?</p>	<p>58</p> <p>1 Mr. Allen who complained about his 2 supervisory efforts; are you aware of any 3 other complaints? 4 A. None that I can recall right 5 now. 6 Q. Do you know, during that period 7 of time, how many hours a week Ron Blocker 8 was working as a salaried maintenance 9 supervisor? 10 A. No, sir. 11 Q. Do you have any way of 12 determining that? 13 A. I don't, no, sir. 14 Q. Did you ever have any 15 discussions during that period of time with 16 Mr. Bludsworth or Mr. Mills about Ron Blocker 17 working eighty or more hours per week? 18 A. No, sir. 19 Q. Do you take any exception to 20 his claim that he was working eighty or more 21 hours in those weeks; that is, do you have 22 any evidence that would prove he wasn't? 23 A. I don't know how many hours he 24 worked. 25 Q. Okay. When are you normally at</p>

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<p style="text-align: right;">59</p> <p>1 work?</p> <p>2 A. At seven.</p> <p>3 Q. Was he normally at work when</p> <p>4 you were?</p> <p>5 A. When Ron would have any issues,</p> <p>6 he would come see me at seven, when I got</p> <p>7 there.</p> <p>8 Q. Can you recall any issues he</p> <p>9 came to see you about?</p> <p>10 A. Not specifically. But he has</p> <p>11 come over to talk about some of his, you</p> <p>12 know, employee issues.</p> <p>13 Q. In fact, Ron fired Ken Pelham,</p> <p>14 didn't he?</p> <p>15 A. I don't recall that. I don't</p> <p>16 remember why or recall it.</p> <p>17 Q. And, in fact, Ron was requested</p> <p>18 by his supervisors to fire Ken Pelham, wasn't</p> <p>19 he?</p> <p>20 MR. SMITH: Object to the form.</p> <p>21 A. I don't know who would have</p> <p>22 told Ron to fire him.</p> <p>23 Q. Okay. Now, in a lawsuit like</p> <p>24 this, if he's successful, on the off chance</p> <p>25 that he actually wins his case, one of the</p>	<p style="text-align: right;">61</p> <p>1 Q. And Mr. Blocker was discharged</p> <p>2 for, shall we say, misconduct as concerns his</p> <p>3 supervision; is that a fair way to put it?</p> <p>4 A. Yes, sir. His managers, yes,</p> <p>5 sir.</p> <p>6 Q. Do you know anything that would</p> <p>7 disqualify him from holding a nonmanagerial</p> <p>8 position in your maintenance department?</p> <p>9 A. Now, are we back in the</p> <p>10 Court-ordered type thing? What are we saying</p> <p>11 now?</p> <p>12 Q. No. We're not on Court order.</p> <p>13 A. So say it again. I'm sorry.</p> <p>14 Q. I'm saying you're hiring</p> <p>15 people; what's to keep him from putting in an</p> <p>16 application and being hired just in</p> <p>17 maintenance?</p> <p>18 A. He's welcome to put in an</p> <p>19 application.</p> <p>20 Q. Will he be hired, though?</p> <p>21 A. Would have to take a look at</p> <p>22 his folder, and what's in his file, and that</p> <p>23 kind of thing.</p> <p>24 Q. Well, you know what's in it,</p> <p>25 because he's worked there before, and you</p>
<p style="text-align: right;">60</p> <p>1 remedies is reinstatement into the position.</p> <p>2 Is there any reason, that you're aware of,</p> <p>3 why you couldn't work with Ron Blocker if</p> <p>4 he's reinstated?</p> <p>5 A. If he's -- say that again now.</p> <p>6 MR. SMITH: By the Court?</p> <p>7 MR. ROBERSON: Yeah. A federal</p> <p>8 judge can put him back in</p> <p>9 his job.</p> <p>10 BY MR. ROBERSON:</p> <p>11 Q. Do you have any reason you want</p> <p>12 to express why you couldn't work with Ron if</p> <p>13 he's reinstated?</p> <p>14 MR. SMITH: Object to the form.</p> <p>15 You can answer if</p> <p>16 you have an answer.</p> <p>17 A. If the Court puts him back to</p> <p>18 work? I mean, I like Ron as a person.</p> <p>19 Q. Always gotten along with him?</p> <p>20 A. Yes.</p> <p>21 Q. In fact, are y'all hiring</p> <p>22 people in your maintenance department right</p> <p>23 now?</p> <p>24 A. I don't know how many positions</p> <p>25 are available in maintenance right now.</p>	<p style="text-align: right;">62</p> <p>1 know what kind of employee he is, so would he</p> <p>2 be hired?</p> <p>3 A. I would have to take it under</p> <p>4 advisement from all the other members of</p> <p>5 management. But he was a -- the salaried</p> <p>6 supervisors, I'd call Greg Mills and see if</p> <p>7 he's, you know, eligible for rehire. And</p> <p>8 then he gives me his recommendations.</p> <p>9 Q. Who makes the decision about</p> <p>10 hourly people?</p> <p>11 A. Me.</p> <p>12 Q. You do. Then why would you</p> <p>13 have to consult with anybody?</p> <p>14 A. Well, I would just have to take</p> <p>15 a look at it.</p> <p>16 Q. I see. Well, have you hired</p> <p>17 people with less qualifications than Ron in</p> <p>18 your maintenance department?</p> <p>19 MR. SMITH: Object to the form.</p> <p>20 A. I don't -- I don't know.</p> <p>21 Q. You do know.</p> <p>22 A. I'm not a maintenance --</p> <p>23 MR. SMITH: Object to the form;</p> <p>24 it's argumentative.</p> <p>25 A. I don't know what exactly,</p>

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<p>63</p> <p>1 skills.</p> <p>2 Q. Who are the last three people</p> <p>3 you hired in your maintenance department,</p> <p>4 ma'am?</p> <p>5 A. I don't know.</p> <p>6 Q. Who would know?</p> <p>7 A. Well, we have an employment</p> <p>8 center.</p> <p>9 Q. Uh-huh (affirmative response).</p> <p>10 A. And all the applicants go</p> <p>11 through the employment center. They have a</p> <p>12 staffing report as to how many's needed in</p> <p>13 each department.</p> <p>14 Q. Who's over that?</p> <p>15 A. Dante Rodgers [phonetic] is</p> <p>16 over the employment center.</p> <p>17 Q. Okay. Is he here in Eufaula?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Better give him a heads-up.</p> <p>20 All right. And, ma'am, just</p> <p>21 like you know that it's illegal not to pay</p> <p>22 hourly workers time-and-a-half, do you know</p> <p>23 that it's also illegal to take any action</p> <p>24 against them because they complain about</p> <p>25 overtime?</p>	<p>65</p> <p>1 A. A disciplinary suspension.</p> <p>2 Q. Okay. To Ron Blocker, date,</p> <p>3 May 17th, regarding conduct unbecoming of</p> <p>4 management. All right. You're being</p> <p>5 suspended for five days. It has been</p> <p>6 reported that there are numerous reports of</p> <p>7 physical and mental abuse and vandalism in</p> <p>8 areas that you are managing. There will be</p> <p>9 an investigation into these allegations. And</p> <p>10 you're supposed to contact Human Resources in</p> <p>11 a week for the results of this investigation.</p> <p>12 Now, it's signed by Ron Blocker on 5/17 and</p> <p>13 by Reb Blutsworth.</p> <p>14 Is there another document</p> <p>15 regarding his discharge or is this the only</p> <p>16 one that you're aware of?</p> <p>17 A. When there's a separation</p> <p>18 notice done, there's a blue sheet attached to</p> <p>19 that telling the reason.</p> <p>20 Q. Okay. Was there one done for</p> <p>21 Ron Blocker?</p> <p>22 A. Yes.</p> <p>23 MR. SMITH: It's produced. It</p> <p>24 came with that.</p> <p>25 MR. ROBERSON: Okay.</p>
<p>64</p> <p>1 A. Yes, I would certainly think</p> <p>2 so.</p> <p>3 MR. ROBERSON: Okay. Thank</p> <p>4 you. Just a second. We'll</p> <p>5 go off the Record for just</p> <p>6 a second.</p> <p>7 (Whereupon a brief recess was</p> <p>8 taken.)</p> <p>9 BY MR. ROBERSON:</p> <p>10 Q. Ms. Gilmore, let me show you</p> <p>11 what I've marked as Exhibit 5. And this is</p> <p>12 from Keystone Foods, Equity Group, Eufaula.</p> <p>13 It's marked Equity Group 15, which I'm</p> <p>14 assuming is the document that indicates his</p> <p>15 discharge, Mr. Blocker's discharge?</p> <p>16 MR. SMITH: Yeah.</p> <p>17 Q. Have you seen that before?</p> <p>18 (Whereupon Plaintiff's Exhibit</p> <p>19 No. 5 was marked for</p> <p>20 identification and attached</p> <p>21 hereto.)</p> <p>22 (Witness reviewed document.)</p> <p>23 A. Yes, sir.</p> <p>24 Q. And what do you call Exhibit 5?</p> <p>25 How do you refer to it?</p>	<p>66</p> <p>1 MR. SMITH: I think that might</p> <p>2 have been attached to it,</p> <p>3 that document right there.</p> <p>4 But I can't remember for</p> <p>5 sure. It was right there</p> <p>6 with it.</p> <p>7 MR. ROBERSON: Okay.</p> <p>8 BY MR. ROBERSON:</p> <p>9 Q. Now, were you there when</p> <p>10 Mr. Blocker signed this or was this done by</p> <p>11 Mr. Blutsworth?</p> <p>12 A. I don't -- I think I was there.</p> <p>13 Q. Was anything, any information,</p> <p>14 conveyed to Mr. Blocker, other than what is</p> <p>15 available here in Exhibit 5? Did y'all tell</p> <p>16 him what kind of abuse or anything about</p> <p>17 vandalism, any other information?</p> <p>18 A. I can't -- I can't recall what</p> <p>19 was told to him.</p> <p>20 Q. Okay. Let me show you what</p> <p>21 I'll mark as Exhibit 6, which is</p> <p>22 Mr. Blocker's W-2 from 2004. And he actually</p> <p>23 got two W-2s from Equity Group in 2004, one</p> <p>24 for the first ten months when he was hourly,</p> <p>25 and a second one for the two months that he</p>



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<p>67</p> <p>1 was on salary. Would that be correct, that 2 would be how y'all would do it? 3 (Whereupon Plaintiff's Exhibit 4 No. 6 was marked for 5 identification and attached 6 hereto.) 7 (Witness reviewed document.) 8 A. (No immediate response.) 9 Q. You don't know? 10 A. I do not know. 11 Q. Okay. Actually, I tell you 12 what it is, I misspoke. Okay. He got three 13 W-2s in 2004, and a portion of his 14 compensation was the -- did Equity Group 15 acquire CP in 2004? 16 A. In March. 17 Q. So he actually had three 18 separate employers, CP until the acquisition; 19 is that correct? 20 A. That would be correct. 21 Q. Then he had Equity Group as an 22 hourly employee, and then he had Equity Group 23 as a salaried employee, okay? 24 A. I guess -- I don't even know 25 why you'd separate it, but -- I don't know</p>	<p>69</p> <p>1 Q. From CP? 2 A. Uh-huh (affirmative response). 3 Q. Okay. So the total of those 4 three figures is what he received in 5 compensation from his employer at the chicken 6 plant during 2004, correct? 7 A. From what I can see. 8 Q. Okay. Now, did anybody, other 9 than Ron Blocker, anybody in his crew or 10 anybody else on the third shift ever 11 complain, make any complaint, that you're 12 aware of, about the number of hours they were 13 working for Equity Group? 14 A. No, sir. 15 Q. Not to your knowledge? 16 A. Not to my knowledge. 17 MR. ROBERSON: Okay. Thank 18 you, ma'am. I don't have 19 any further questions. 20 MR. SMITH: Let me just ask one 21 follow-up. 22 EXAMINATION 23 BY MR. SMITH: 24 Q. Earlier, when you were asked 25 about salaried personnel's compensation, in</p>
<p>68</p> <p>1 anything about it. 2 Q. Well, I don't know either. So 3 I'm going to show you what I've marked as 4 Exhibit 6, which are three W-2s for Ron 5 Blocker in 2004, okay? 6 A. Okay. 7 Q. And would you just indicate the 8 amount of compensation for each one? 9 A. (No immediate response.) 10 Q. You want me to do it? 11 A. Well, \$8,355.51. 12 Q. From who now? 13 A. Equity Group. 14 Q. Okay. That's his salary. 15 A. Okay. 16 Q. All right. 17 A. Then the next one -- I guess 18 they're all the same -- \$37,919.36. 19 Q. All right. Almost 38,000. Is 20 that also from Equity Group? 21 A. Yes, sir. 22 Q. Okay. That's his hourly wages? 23 A. Okay. 24 Q. All right. And then 13 -- 25 A. 13,180.30.</p>	<p>70</p> <p>1 addition to their salary, they get other 2 benefits, correct? 3 A. Correct. 4 Q. Do you know what those are? 5 A. Medical, dental. Short term, 6 long term pension, that kind of thing. 7 Q. Do they get profit sharing? 8 A. Yes. 9 Q. Do they get a bonus? 10 A. Yes. 11 Q. Is the bonus part of the profit 12 sharing or is it separate? 13 A. Separate. It's all company 14 paid. 15 Q. Do they get family health 16 insurance? 17 A. Yes. Company paid. 18 Q. The company pays that, too. 19 And hourly employees don't get those 20 benefits? 21 A. The hourly employee gets the 22 single medical coverage, company paid. 23 MR. SMITH: Okay. That's all. 24 25</p>

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71	
1	(The deposition of KATHY GILMORE
2	concluded at approximately
3	10:32 a.m.)
4	* * * * *
5	FURTHER DEPONENT SAITH NOT
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1	* * * * *
2	REPORTER'S CERTIFICATE
3	* * * * *
4	STATE OF ALABAMA)
5	COUNTY OF MONTGOMERY)
6	I, Cornelia J. Baker, Certified
7	Court Reporter, Certified Shorthand
8	Reporter, and Notary Public in and for the
9	State of Alabama at Large, do hereby certify
10	that on Friday, May 30, 2008, I reported the
11	aforementioned proceedings, and that the
12	pages herein contain a true and accurate
13	transcription of the said proceedings.
14	I further certify that I am
15	neither of kin nor of counsel to the parties
16	to said cause, nor in any manner interested
17	in the results thereof.
18	This the 4th day of June, 2008.
19	
20	
21	
22	Cornelia J. Baker, ACCR 290
23	Certified Shorthand Reporter,
24	Certified Court Reporter and
25	Notary Public for the
	State of Alabama
	My Commission expires 6/9/08.

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# **Condensed Transcript**

## **Deposition of James Gregory Mills**

**taken on  
5/30/2008**

**Ron Blocker  
v.  
Equity Group**

**Case No. 2:07cv722MHT - WC**



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James Gregory Mills  
May 30, 2008

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RON BLOCKER,

Plaintiff,

vs.

CASE NO. 2:07cv722MHT-WC

EQUITY GROUP, EUFAULA DIVISION,

L.L.C.,

Defendants.

\* \* \* \* \*

The deposition of JAMES GREGORY MILLS  
was taken before Cornelia J. Baker,  
Certified Court Reporter, ACCR 290, as  
Commissioner, on Friday, May 30, 2008,  
commencing at approximately 12:21 p.m., in  
the law offices of Williams, Potthoff,  
Williams & Smith, L.L.C., 125 South Orange  
Avenue, Eufaula, Alabama, pursuant to the  
stipulations set forth herein.

James Gregory Mills  
May 30, 2008

2

1 \* \* \* \* \*

2 APPEARANCES

3

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May 30, 2008

<p>3</p> <p>1</p> <p>2 STIPULATIONS</p> <p>3</p> <p>4 It is hereby stipulated and</p> <p>5 agreed by and between counsel representing</p> <p>6 the parties that the deposition of JAMES</p> <p>7 GREGORY MILLS is taken pursuant to the Rules</p> <p>8 of Civil Procedure, and that said deposition</p> <p>9 may be taken before Cornelia J. Baker,</p> <p>10 Certified Court Reporter, as Commissioner,</p> <p>11 without the formality of a commission; that</p> <p>12 objections to questions, other than</p> <p>13 objections as to the form of the questions,</p> <p>14 need not be made at this time, but may be</p> <p>15 reserved for a ruling at such time as the</p> <p>16 deposition may be offered into evidence, or</p> <p>17 used for any other purpose by either party</p> <p>18 hereto, provided by the Statute.</p> <p>19 It is further stipulated and agreed by</p> <p>20 and between counsel representing the parties</p> <p>21 in this case, that the filing of the</p> <p>22 deposition of JAMES GREGORY MILLS is hereby</p> <p>23 waived, and that said deposition may be</p> <p>24 introduced at the trial of this case or used</p> <p>25 in any other manner by either party hereto</p>	<p>5</p> <p>1 JAMES GREGORY MILLS,</p> <p>2 The Witness, having first been sworn</p> <p>3 or affirmed to speak the truth,</p> <p>4 the whole truth, and nothing but the truth,</p> <p>5 testified as follows:</p> <p>6 (Whereupon all parties agreed to</p> <p>7 usual stipulations.)</p> <p>8 EXAMINATION</p> <p>9 BY MR. ROBERSON:</p> <p>10 Q. Would you state your full name,</p> <p>11 please, sir?</p> <p>12 A. James Gregory Mills.</p> <p>13 Q. Have you ever been deposed</p> <p>14 before?</p> <p>15 A. Yes.</p> <p>16 Q. How many times?</p> <p>17 A. Twice.</p> <p>18 Q. Cases involving the chicken</p> <p>19 plant?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What was the nature of the</p> <p>22 cases? And don't tell me about the odor</p> <p>23 case.</p> <p>24 A. Doning and doffing.</p> <p>25 Q. I'm sorry?</p>
<p>4</p> <p>1 provided for by the Statute, regardless of</p> <p>2 the waiving of the filing of same.</p> <p>3 It is further stipulated and agreed by</p> <p>4 and between counsel and the witness that the</p> <p>5 reading and signing of the deposition by the</p> <p>6 witness is hereby waived.</p> <p>7</p> <p>8 * * * * *</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>6</p> <p>1 A. Doning and doffing.</p> <p>2 MR. SMITH: FLSA, doning and</p> <p>3 doffing, you know, the</p> <p>4 smocks and all that stuff.</p> <p>5 MR. ROBERSON: Oh, the clothes,</p> <p>6 okay.</p> <p>7 BY MR. ROBERSON:</p> <p>8 Q. Okay. A Fair Labor Standards</p> <p>9 case?</p> <p>10 A. And an accident happened. I</p> <p>11 was with another company, Wayne Farms.</p> <p>12 Q. Okay. How did y'all come out</p> <p>13 in the doning and doffing case?</p> <p>14 A. Good. We won the case.</p> <p>15 Q. Okay. Who represented the</p> <p>16 Plaintiff? Do you remember?</p> <p>17 A. I don't remember.</p> <p>18 Q. Mr. Mills, I represent Ron</p> <p>19 Blocker. Do you know Ron?</p> <p>20 A. Yes.</p> <p>21 Q. And he was in maintenance,</p> <p>22 worked out there for a number of years, and</p> <p>23 in November of '04, he was promoted to a</p> <p>24 maintenance supervisor position; were you</p> <p>25 aware of that?</p>



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<p>7</p> <p>1 A. Yes.</p> <p>2 Q. Did you promote him?</p> <p>3 A. No.</p> <p>4 Q. Who did?</p> <p>5 A. Reb.</p> <p>6 Q. Okay. Did you consult with Reb</p> <p>7 before he was promoted?</p> <p>8 A. Yes.</p> <p>9 Q. You were aware of it, right?</p> <p>10 A. Yes.</p> <p>11 Q. Did you voice any objection?</p> <p>12 A. No.</p> <p>13 Q. Okay. Why not?</p> <p>14 A. I felt like Ron would do a good</p> <p>15 job.</p> <p>16 Q. Okay. Before he became a</p> <p>17 supervisor, had you had anybody complain</p> <p>18 about Ron as an employee, hourly employee?</p> <p>19 A. Not that I remember, no.</p> <p>20 Q. And then he had worked for --</p> <p>21 when did you come to work at -- it's NCP?</p> <p>22 A. 1999.</p> <p>23 Q. Okay. And Al Rhodes came first</p> <p>24 as general manager?</p> <p>25 A. Yes.</p>	<p>9</p> <p>1 over?</p> <p>2 A. Yes.</p> <p>3 Q. Did you implement any changes</p> <p>4 when you took over as maintenance manager?</p> <p>5 MR. SMITH: Maintenance or</p> <p>6 operations?</p> <p>7 MR. ROBERSON: I'm sorry. Let</p> <p>8 me rephrase it. That was a</p> <p>9 poor question.</p> <p>10 BY MR. ROBERSON:</p> <p>11 Q. You took over as operations</p> <p>12 manager in '04?</p> <p>13 A. Yes.</p> <p>14 Q. With the new company, Equity</p> <p>15 Group, correct?</p> <p>16 A. Yes.</p> <p>17 Q. Did you promote Reb to</p> <p>18 maintenance manager?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. Let's back up.</p> <p>22 Q. All right.</p> <p>23 A. I was maintenance manager. And</p> <p>24 then in about eight months after I was</p> <p>25 employed with CP, I was promoted to plant</p>
<p>8</p> <p>1 Q. And he recruited you from Wayne</p> <p>2 Farms?</p> <p>3 A. Yes.</p> <p>4 Q. Was he a general manager at</p> <p>5 Wayne Farms?</p> <p>6 A. Yes.</p> <p>7 Q. And you recruited Reb?</p> <p>8 A. Yes.</p> <p>9 Q. So when did Al get here?</p> <p>10 A. It was in 1999. I don't know</p> <p>11 what month, so . . .</p> <p>12 Q. All right. And then shortly</p> <p>13 after, you followed, and then shortly after,</p> <p>14 Reb followed?</p> <p>15 A. Yes.</p> <p>16 Q. What position did you take here</p> <p>17 at CP?</p> <p>18 A. Maintenance manager.</p> <p>19 Q. What's your position now?</p> <p>20 A. Operations manager.</p> <p>21 Q. When did you receive that</p> <p>22 promotion, approximately?</p> <p>23 A. '04. Latter part of '04, I</p> <p>24 believe.</p> <p>25 Q. So after Equity Group took</p>	<p>10</p> <p>1 manager.</p> <p>2 Q. Okay. So you went from plant</p> <p>3 manager to operations manager?</p> <p>4 A. With Equity Group.</p> <p>5 Q. Okay. So you had actually</p> <p>6 promoted Reb before you became operations</p> <p>7 manager; is that correct?</p> <p>8 A. Yes, 2000.</p> <p>9 Q. Okay. Now, with CP, did Ron</p> <p>10 Blocker work as a supervisor in the cook</p> <p>11 plant, cook house?</p> <p>12 A. Yes.</p> <p>13 Q. On the third shift?</p> <p>14 A. Yes.</p> <p>15 Q. But he was still an hourly</p> <p>16 worker at that time, correct?</p> <p>17 A. If he was an hourly worker, he</p> <p>18 was not a supervisor.</p> <p>19 Q. Okay. You don't have lead</p> <p>20 people that are supervisors, but hourly?</p> <p>21 A. No. Supervisors are</p> <p>22 supervisors, salary.</p> <p>23 Q. Okay. Can you be in charge of</p> <p>24 a shift and be hourly?</p> <p>25 A. You can be a lead person, but</p>

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<p style="text-align: right;">11</p> <p>1 you're not authorized to do any time sheets, 2 pay deductions, disciplinary action. 3 Q. Okay. So can you be in charge 4 of a shift and be a lead person? 5 A. Partially. 6 Q. Okay. And you still have to 7 report to a supervisor, who was on a salary, 8 who has to take any disciplinary action or 9 whatever? 10 A. Correct. 11 Q. Okay. Any reason in November 12 of '04 why Ron Blocker couldn't have led the 13 third shift as a lead person and be an hourly 14 employee? 15 A. Because we want salary 16 employees managing hourly people. 17 Q. I understand that's what you 18 want, but is there any reason why he couldn't 19 do that as an hourly? 20 A. Yes. Because disciplinary 21 action on that shift couldn't be done without 22 a salaried person there. 23 Q. Okay. Well, you had some 24 salaried persons besides him on the third 25 shift, didn't you?</p>	<p style="text-align: right;">13</p> <p>1 A. That's in the range. 2 Q. Okay. Do you know what 3 Mr. Blocker made as an hourly employee in 4 2004? 5 A. No. 6 Q. Did you know he made \$60,000 -- 7 A. No. 8 Q. -- as an hourly employee? 9 A. No. 10 Q. Did you know in the seven 11 months that he worked as an hourly employee 12 for the Equity Group, from March of '04 until 13 he was promoted in November, that he made 14 \$40,000 in seven months as an hourly 15 employee? 16 A. No. 17 Q. Do you know why someone would 18 take a job, same shift, that paid \$40,000 in 19 seven months, and take a position that was 20 salaried at 48, that would pay \$48,000 for 21 twelve months? Do you have any explanation 22 as to why someone would do that? 23 A. No. 24 Q. That doesn't make sense to me; 25 does it to you?</p>
<p style="text-align: right;">12</p> <p>1 A. Not in maintenance. 2 Q. Okay. Were you made aware of a 3 no overtime policy that was going to begin 4 with the Equity Group? 5 A. No. 6 Q. Did you ever have any 7 discussions with Ron Blocker or Reb 8 Bludsworth about a no overtime policy? 9 A. No. 10 Q. Did you ever tell Ron Blocker 11 that they were going to have a no overtime 12 policy and, as a supervisor, he would not 13 have to work more than forty-five hours a 14 week? 15 A. No. 16 Q. So if he alleges that in his 17 Complaint, he's mistaken; is that correct? 18 A. Yes. 19 Q. Okay. Do you remember what 20 Mr. Blocker's salary was? 21 A. No. 22 Q. If I told you \$48,000 a year, 23 would you have any reason to dispute that? 24 A. No. That's -- 25 Q. That sounds about right?</p>	<p style="text-align: right;">14</p> <p>1 A. No. 2 Q. Okay. Now, Ron claims that 3 before Ms. Gilmore made a recommendation to 4 fire Ron based on her investigation -- are 5 you aware of that? 6 A. Yes. 7 Q. In May of 2005 -- 8 A. I'm aware of it, yes. 9 Q. -- did you make any 10 investigation? 11 A. No. 12 Q. Did you talk to anybody -- 13 A. No. 14 Q. -- other than Kathy and Reb? 15 A. No. 16 Q. Have you ever seen any signed 17 statements from any witness? 18 A. Just when I read his 19 deposition. 20 Q. Okay. Other than -- you read 21 his deposition, but have you ever seen a 22 statement from anybody else that was on his 23 crew or worked with him? 24 A. No. 25 Q. Okay. And you made your</p>

5 (Pages 11 to 14)

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<p style="text-align: right;">15</p> <p>1 decision or approved the decision to fire Ron 2 Blocker based on Kathy's recommendation and 3 the report that she generated? 4 A. I didn't make that decision. 5 Q. You didn't? Well, did you 6 approve it? 7 A. No. 8 Q. Okay. 9 A. HR makes that decision. 10 Q. Okay. Did they consult you? 11 A. I was aware of it. 12 Q. Okay. Did you voice any 13 objection to their decision? 14 A. No. 15 Q. It was okay with you, is what 16 you're saying? You were the operations 17 manager; it was okay with you? 18 A. Yes. 19 Q. Okay. Now, before Kathy began 20 her investigation, do you recall meeting with 21 Mr. Blocker where he made a complaint to you 22 about the number of hours he was being 23 required to work as a supervisor? 24 A. I don't recall that. 25 Q. Do you recall him telling you</p>	<p style="text-align: right;">17</p> <p>1 document around here somewhere. 2 Were you involved in this 3 transaction? 4 A. No. 5 Q. Okay. Do you see that 6 document's May 17th, and he's suspended for 7 conduct unbecoming management? 8 A. Yes. 9 Q. Okay. And that squares with 10 your recollection, correct? You remember he 11 got suspended, and then, ultimately, was 12 discharged a week later? 13 A. Yes. 14 Q. Okay. Now, you know that 15 Keystone has an employee handbook, correct? 16 A. Yes. 17 Q. And I've marked as Exhibit 7 to 18 Reb's deposition a copy of that handbook. Is 19 that a Keystone handbook, sir? 20 A. Yes. 21 Q. Okay. And it, on page 16 of 22 this handbook -- do you know what retaliation 23 is? 24 A. Yes. 25 Q. What is it?</p>
<p style="text-align: right;">16</p> <p>1 that he had previously met with Reb 2 Bludsworth about that same issue? 3 A. I don't remember that. But 4 it's been four years ago. I don't remember 5 that. 6 Q. Do you recall him leaving your 7 office and going to see Jim Bice about the 8 same issue? 9 A. No, I don't remember that. 10 Q. And do you recall Jim Bice 11 sending him to Kathy Gilmore -- 12 A. I don't recall. 13 Q. -- who again he consulted about 14 that issue; you don't recall any of that? 15 A. No. 16 Q. Okay. And then shortly after 17 that conversation, this investigation began 18 where he was suspended, and then a week 19 later, discharged, correct? 20 A. (No immediate response.) 21 Q. May 17th, he was suspended; 22 you agree with that, don't you? 23 A. Based on what I read in his 24 deposition, I agree with it. 25 Q. Okay. Well, we've got a</p>	<p style="text-align: right;">18</p> <p>1 A. When you go against somebody 2 for -- getting back at them, I guess, is what 3 you'd say. 4 Q. Well, you understand that the 5 employees have certain rights granted them by 6 federal statutes, federal laws, correct? 7 A. Yes. 8 Q. One of them is you can't 9 discriminate based on race or age; do you 10 agree with that? 11 A. Yes. 12 Q. And you have to pay overtime 13 for more than forty hours worked in a week; 14 do you agree with that? This is a federal 15 statute. 16 MR. SMITH: Object to the form. 17 A. If they're hourly, yes. 18 Q. If they're an hourly employee, 19 okay. 20 And nonretaliation means if 21 somebody complains about what they consider 22 to be a violation of those laws, they make a 23 good faith complaint, the employer, Equity 24 Group, can't take any adverse action against 25 them because of their complaint; you</p>

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<p>19</p> <p>1 understand that, right?</p> <p>2 A. Yes.</p> <p>3 Q. In other words, if he complains</p> <p>4 about his hours, you can't punish him for</p> <p>5 complaining about that?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. You understood that --</p> <p>8 A. Yes.</p> <p>9 Q. -- back in 2005, right?</p> <p>10 A. Yes.</p> <p>11 Q. And, in fact, your policy says</p> <p>12 Equity Group, Eufaula, encourages its</p> <p>13 employees to voice concerns about suspected</p> <p>14 problems or suspected violations of company</p> <p>15 policy; you agree with that statement, don't</p> <p>16 you?</p> <p>17 A. Yes.</p> <p>18 Q. If somebody has some concerns,</p> <p>19 you want them to come to you and make you</p> <p>20 aware of them, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, has anybody that</p> <p>23 was an employee at the Equity Group ever come</p> <p>24 to you with any concerns that they were</p> <p>25 having to work too many hours?</p>	<p>21</p> <p>1 supervisors \$115 if they worked on a</p> <p>2 Saturday?</p> <p>3 A. It's according to what they</p> <p>4 worked for.</p> <p>5 Q. The ones listed on that pay</p> <p>6 policy?</p> <p>7 A. If it's due to economic status,</p> <p>8 we pay them. If we run, produce product for</p> <p>9 our customer, we pay them. If it's because</p> <p>10 the job didn't get done in five day, no, we</p> <p>11 do not pay them.</p> <p>12 Q. Who decides?</p> <p>13 A. It's based on whether we're</p> <p>14 required to run due to -- our customer</p> <p>15 decides that.</p> <p>16 Q. But who decides whether they</p> <p>17 get paid or not; who makes that decision?</p> <p>18 A. I do. Supervisors do.</p> <p>19 Q. Before May 9th, 2005, had you</p> <p>20 ever paid a supervisor for working on a</p> <p>21 Saturday?</p> <p>22 A. No. This came into effect when</p> <p>23 Keystone bought the plant, shortly</p> <p>24 thereafter.</p> <p>25 Q. Oh, it came into effect then?</p>
<p>20</p> <p>1 A. Yes. I've heard that.</p> <p>2 Q. Who has come to you?</p> <p>3 A. I don't recall, but I've heard,</p> <p>4 you know . . .</p> <p>5 Q. What did you do about it? What</p> <p>6 action did you take?</p> <p>7 A. Well, recently we've had to</p> <p>8 run, due to customer expectations and</p> <p>9 requirements, six and seven days a week. And</p> <p>10 we've explained to them that our requirements</p> <p>11 are from our customers, that we had to do</p> <p>12 that. And it was for a short time.</p> <p>13 Q. All right. I'm going to show</p> <p>14 you what I marked as Exhibit 1 to</p> <p>15 Ms. Gilmore's deposition, which is a Saturday</p> <p>16 pay policy.</p> <p>17 A. Yes.</p> <p>18 Q. Are you familiar with that?</p> <p>19 A. Yes, I am.</p> <p>20 Q. And Ron was suspended on</p> <p>21 May 17th, fired May 24th. This document</p> <p>22 states it's effective May 9th, 2005?</p> <p>23 A. Yes.</p> <p>24 Q. Is it your testimony under oath</p> <p>25 that on May 9th, 2005, y'all were paying</p>	<p>22</p> <p>1 A. Shortly thereafter it was</p> <p>2 purchased. In April, I believe, is when they</p> <p>3 purchased the plant.</p> <p>4 Q. Actually, they purchased it in</p> <p>5 March of 2004; are you aware of that?</p> <p>6 A. Yeah. But this come into --</p> <p>7 Q. Why did this policy come into</p> <p>8 effect a year later -- or fourteen months</p> <p>9 later?</p> <p>10 A. I can't answer that.</p> <p>11 Q. Well, can you tell me the name</p> <p>12 of any supervisor that you paid for Saturday</p> <p>13 work that was a salaried supervisor before</p> <p>14 May of 2005? Can you name one?</p> <p>15 A. No.</p> <p>16 Q. Well, there were occasions when</p> <p>17 y'all ran -- worked on Saturday during that</p> <p>18 period of time, weren't there?</p> <p>19 A. Occasions.</p> <p>20 Q. Caused by your customers'</p> <p>21 requirements, correct?</p> <p>22 A. Yes. If we ran, it was because</p> <p>23 of customers.</p> <p>24 Q. Okay. Well, so you're saying</p> <p>25 this was a Keystone policy, correct?</p>

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<p style="text-align: right;">23</p> <p>1 A. Yes.</p> <p>2 Q. But it wasn't implemented at</p> <p>3 your plant in March of '05, was it?</p> <p>4 A. No.</p> <p>5 Q. March of --</p> <p>6 A. May of '05.</p> <p>7 Q. March of '04?</p> <p>8 A. No.</p> <p>9 Q. Do you know why that was?</p> <p>10 A. No.</p> <p>11 Q. Should it have been?</p> <p>12 A. That was a corporate decision.</p> <p>13 Q. Okay. Well, in fact, after</p> <p>14 Mr. Blocker was fired, after he contends he</p> <p>15 made complaints about the number of hours he</p> <p>16 was working, they began paying supervisors</p> <p>17 who worked on Saturday, correct?</p> <p>18 A. Effective May the 9th.</p> <p>19 Q. Yeah, okay. Who would I see</p> <p>20 that would have records about when</p> <p>21 supervisors were paid on Saturday? Who would</p> <p>22 I talk to out there at the Equity Group?</p> <p>23 A. Robin Jones keeps a record of</p> <p>24 all of the Saturday and Sunday pay.</p> <p>25 Q. Is that a male or a female?</p>	<p style="text-align: right;">25</p> <p>1 A. Thirty-five years, roughly.</p> <p>2 Q. And would it be fair to say</p> <p>3 that y'all are friends, and you see each</p> <p>4 other socially sometimes?</p> <p>5 A. Occasionally.</p> <p>6 Q. Do you fish?</p> <p>7 A. Yes.</p> <p>8 Q. Does he fish?</p> <p>9 A. Occasionally, yes.</p> <p>10 Q. Do y'all fish together</p> <p>11 sometimes?</p> <p>12 A. Sometimes.</p> <p>13 Q. Okay. Do you hunt?</p> <p>14 A. Yes.</p> <p>15 Q. Does he hunt?</p> <p>16 A. Yes.</p> <p>17 Q. Do y'all hunt together</p> <p>18 sometimes?</p> <p>19 A. Haven't in about four years.</p> <p>20 Q. Okay. Y'all have been hunting</p> <p>21 together, though?</p> <p>22 A. Yeah.</p> <p>23 Q. I don't know what other hobbies</p> <p>24 you might have. Do you have any other</p> <p>25 hobbies?</p>
<p style="text-align: right;">24</p> <p>1 A. Female.</p> <p>2 Q. And what's her position?</p> <p>3 A. She's the assistant to the</p> <p>4 general manager.</p> <p>5 Q. Okay. Now, I know you worked</p> <p>6 with Reb when y'all were both at Wayne Farms?</p> <p>7 A. Yes.</p> <p>8 Q. When were you there, what</p> <p>9 years?</p> <p>10 A. 1978 to 1999.</p> <p>11 Q. You were there, what,</p> <p>12 twenty-one years?</p> <p>13 A. Yes.</p> <p>14 Q. How long was he there? Do you</p> <p>15 know?</p> <p>16 A. I don't recall.</p> <p>17 Q. He wasn't there the whole time</p> <p>18 you were there, was he?</p> <p>19 A. No. I don't -- no, I don't</p> <p>20 think so.</p> <p>21 Q. Where are you from originally?</p> <p>22 A. Elba, Alabama.</p> <p>23 Q. Okay. Well, let me just ask</p> <p>24 you this way: How long have you been knowing</p> <p>25 Reb?</p>	<p style="text-align: right;">26</p> <p>1 A. No.</p> <p>2 Q. Okay. You got children?</p> <p>3 A. Yes.</p> <p>4 Q. How old are they?</p> <p>5 A. Twenty-six and twenty-five.</p> <p>6 Q. You're not spending any time at</p> <p>7 the ball fields, are you?</p> <p>8 A. Not yet.</p> <p>9 Q. Okay. One of the remedies that</p> <p>10 Mr. Blocker -- if he's successful in his</p> <p>11 claim in his lawsuit, one of the remedies</p> <p>12 that's available to him -- actually, is</p> <p>13 presumed to be entitled to -- is</p> <p>14 reinstatement. If he wins his lawsuit, the</p> <p>15 Judge can reinstate him. They have that</p> <p>16 discretion. So I normally ask: Is there any</p> <p>17 reason, that you know of, why Mr. Blocker --</p> <p>18 that wouldn't be a good idea, why he</p> <p>19 shouldn't be allowed to go back to work at</p> <p>20 the Equity Group; do you know of any reason?</p> <p>21 A. I would like to look at Ron's</p> <p>22 file and see what's in his file, because I'm</p> <p>23 not familiar with his file. But when Ron was</p> <p>24 there, to the best of my knowledge, he was a</p> <p>25 good worker. But I would review his file,</p>



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<p style="text-align: right;">27</p> <p>1 along with HR and supervisors that he worked 2 for, and we would make a group decision. 3 Q. And certainly, at least in the 4 period of time that he worked there, not as a 5 supervisor, but just as an hourly employee, 6 you're not aware of anything today that would 7 disqualify him from working there as an 8 hourly worker; is that a fair statement? 9 A. I don't recall. But like I 10 said, I would have to just look at his file, 11 because I'm not that familiar with Ron's 12 file. 13 Q. And did you always get along 14 with Ron? 15 A. Yes. 16 Q. I mean, he always conducted 17 himself appropriately around you? 18 A. Yes, to me, he did. 19 Q. And to your knowledge, is he a 20 competent maintenance man; that is, does he 21 know what to do and how to do it? 22 A. He did. 23 MR. ROBERSON: Okay. All 24 right. Man, that's record 25 time.</p>	<p style="text-align: right;">29</p> <p>1 * * * * *</p> <p>2 REPORTER'S CERTIFICATE</p> <p>3 * * * * *</p> <p>4 STATE OF ALABAMA)</p> <p>5 COUNTY OF MONTGOMERY)</p> <p>6 I, Cornelia J. Baker, Certified</p> <p>7 Court Reporter, Certified Shorthand</p> <p>8 Reporter, and Notary Public in and for the</p> <p>9 State of Alabama at Large, do hereby certify</p> <p>10 that on Friday, May 30, 2008, I reported the</p> <p>11 aforementioned proceedings, and that the</p> <p>12 pages herein contain a true and accurate</p> <p>13 transcription of the said proceedings.</p> <p>14 I further certify that I am</p> <p>15 neither of kin nor of counsel to the parties</p> <p>16 to said cause, nor in any manner interested</p> <p>17 in the results thereof.</p> <p>18 This the 2nd day of June, 2008.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Cornelia J. Baker, ACCR 290</p> <p>23 Certified Shorthand Reporter,</p> <p>24 Certified Court Reporter and</p> <p>25 Notary Public for the</p> <p>State of Alabama</p> <p>My Commission expires 6/9/08.</p>
<p style="text-align: right;">28</p> <p>1 (The deposition of JAMES GREGORY</p> <p>2 MILLS concluded at</p> <p>3 approximately 12:42 p.m.)</p> <p>4</p> <p>5 * * * * *</p> <p>6 FURTHER DEPONENT SAITH NOT</p> <p>7 * * * * *</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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# **Condensed Transcript**

## **Deposition of Reb Bludsworth**

**taken on  
5/30/2008**

**Ron Blocker  
v.  
Equity Group**

**Case No. 2:07cv722MHT - WC**



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Reb Bludsworth  
May 30, 2008

1

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

RON BLOCKER,

Plaintiff,

vs.

CASE NO. 2:07cv722MHT-WC

EQUITY GROUP, EUFAULA DIVISION,

L.L.C.,

Defendants.

\* \* \* \* \*

The deposition of REB BLUDSWORTH was taken before Cornelia J. Baker, Certified Court Reporter, ACCR 290, as Commissioner, on Friday, May 30, 2008, commencing at approximately 11:01 a.m., in the law offices of Williams, Potthoff, Williams & Smith, L.L.C., 125 South Orange Avenue, Eufaula, Alabama, pursuant to the stipulations set forth herein.

Reb Blutsworth  
May 30, 2008

2

1 \* \* \* \* \*

2 APPEARANCES

3

4 Representing the Plaintiff:

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15

16

17 Also Present:

18 MS. KATHY GILMORE

19

20

21

22

23

24

25

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May 30, 2008

<p style="text-align: right;">3</p> <p>1 * * * * *</p> <p>2 STIPULATIONS</p> <p>3</p> <p>4 It is hereby stipulated and</p> <p>5 agreed by and between counsel representing</p> <p>6 the parties that the deposition of REB</p> <p>7 BLUDSWORTH is taken pursuant to the Rules of</p> <p>8 Civil Procedure, and that said deposition</p> <p>9 may be taken before Cornelia J. Baker,</p> <p>10 Certified Court Reporter, as Commissioner,</p> <p>11 without the formality of a commission; that</p> <p>12 objections to questions, other than</p> <p>13 objections as to the form of the questions,</p> <p>14 need not be made at this time, but may be</p> <p>15 reserved for a ruling at such time as the</p> <p>16 deposition may be offered into evidence, or</p> <p>17 used for any other purpose by either party</p> <p>18 hereto, provided by the Statute.</p> <p>19 It is further stipulated and agreed by</p> <p>20 and between counsel representing the parties</p> <p>21 in this case, that the filing of the</p> <p>22 deposition of REB BLUDSWORTH is hereby</p> <p>23 waived, and that said deposition may be</p> <p>24 introduced at the trial of this case or used</p> <p>25 in any other manner by either party hereto</p>	<p style="text-align: right;">5</p> <p>1 * * * * *</p> <p>2 INDEX</p> <p>3</p> <p>4 EXAMINATION PAGE</p> <p>5 BY MR. ROBERSON: 6</p> <p>6</p> <p>7 EXHIBIT PAGE</p> <p>8 Plaintiff's Exhibit No. 7 ..... 62</p> <p>Keystone Foods Employee Handbook</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">4</p> <p>1 provided for by the Statute, regardless of</p> <p>2 the waiving of the filing of same.</p> <p>3 It is further stipulated and agreed by</p> <p>4 and between counsel and the witness that the</p> <p>5 reading and signing of the deposition by the</p> <p>6 witness is hereby waived.</p> <p>7</p> <p>8 * * * * *</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">6</p> <p>1 REB BLUDSWORTH,</p> <p>2 The Witness, having first been sworn</p> <p>3 or affirmed to speak the truth,</p> <p>4 the whole truth, and nothing but the truth,</p> <p>5 testified as follows:</p> <p>6 (Whereupon all parties agreed to</p> <p>7 usual stipulations.)</p> <p>8 EXAMINATION</p> <p>9 BY MR. ROBERSON:</p> <p>10 Q. Mr. Bludsworth, my name is</p> <p>11 Jerry Roberson, and I represent Ron Blocker</p> <p>12 in this case. Have you ever given a</p> <p>13 deposition before?</p> <p>14 A. Yes, I have.</p> <p>15 Q. How many times?</p> <p>16 A. Once.</p> <p>17 Q. Was that in the case involving</p> <p>18 the chicken plant?</p> <p>19 A. CP, when it was . . .</p> <p>20 Q. Do you remember what that case</p> <p>21 was about?</p> <p>22 A. It was an odor case.</p> <p>23 Q. Well, I can assure you that</p> <p>24 chicken has an odor, doesn't it?</p> <p>25 A. Yes, sir.</p>

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<p>7</p> <p>1 Q. Did you assure them that 2 chicken has an odor? 3 A. Yes, sir. 4 Q. Okay. Do you know what 5 happened to that case, how it was disposed 6 of? 7 A. No, sir, I don't. 8 Q. Do you remember who took your 9 deposition, what lawyer? We don't normally 10 make very much of an impression. 11 MR. SMITH: I was there. I 12 don't remember who did it. 13 A. I don't remember. 14 Q. Okay. What's your residence 15 address, sir? 16 A. Cheenahatchee Drive in Eufaula. 17 Q. And what is your age? 18 A. Forty-seven. 19 Q. Forty-seven? 20 A. Forty-seven. 21 Q. I'm two years older than you. 22 What's the extent of your 23 education? 24 A. GED. 25 Q. Where did you grow up,</p>	<p>9</p> <p>1 before that, sir. 2 A. With Wayne Farms. 3 Q. Is that a chicken plant? 4 A. Yes, sir. 5 Q. Okay. And where were they 6 located? 7 A. In Jack, Alabama. 8 Q. Jack? 9 A. Yes, sir. 10 Q. I'm not familiar. Where is 11 that located? 12 A. Outside of Enterprise. 13 Q. During what period of time did 14 you work for Wayne Farms? 15 A. Eleven years. 16 Q. So from '88 to '99, 17 approximately? 18 A. Yes, sir. 19 Q. And in what capacity did you 20 work for Wayne Farms; what was your job 21 there? 22 A. When I left, I was maintenance 23 manager. 24 Q. What did you begin as? 25 A. Maintenance technician.</p>
<p>8</p> <p>1 Mr. Blutsworth? 2 A. California, Alabama, Wyoming. 3 Q. Well traveled? 4 A. Somewhat, yes. 5 Q. How long have you been working 6 at the chicken plant? 7 A. This particular facility, nine 8 years. 9 Q. So you worked at it when it was 10 CP? 11 A. Yes, sir. 12 Q. Is that who owned it when you 13 went to work there? 14 A. Yes, sir. 15 Q. And then you stayed when it was 16 acquired by Equity Group? 17 A. Yes, sir. 18 Q. When you began your employment 19 nine years ago, would that be around 1999 or 20 '98? 21 A. I believe it was '99, yes, sir. 22 Q. When you began your employment, 23 in what capacity were you first hired? 24 A. Maintenance supervisor. 25 Q. Now, where had you worked</p>	<p>10</p> <p>1 Q. When you worked for Wayne Farms 2 as maintenance manager, who did you report 3 to? 4 A. Greg Mills. 5 Q. Same guy you're reporting to 6 now? 7 A. Yes, sir. 8 Q. Okay. So he worked at Wayne 9 Farms also? 10 A. Yes, sir. 11 Q. Did y'all leave together? 12 A. No, sir. He left before I did. 13 Q. Okay. When did he leave Wayne 14 Farms? Do you know, approximately? 15 A. About two weeks before I did. 16 Q. Oh, okay. Why did you leave? 17 A. The gentleman that came to 18 Equity -- or to CP as the new general 19 manager, he had been the general manager with 20 Wayne. 21 Q. Okay. So he recruited you? 22 A. Yes, sir. 23 Q. And he recruited Greg? 24 A. Yes, sir. 25 Q. Who was that?</p>



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<p style="text-align: right;">11</p> <p>1 A. Al Rhodes.</p> <p>2 Q. And I understand Mr. Rhodes was</p> <p>3 replaced at some point as the general</p> <p>4 manager?</p> <p>5 A. Yes, sir.</p> <p>6 Q. By Mr. Jernigan?</p> <p>7 A. Spence Jernigan, yes, sir.</p> <p>8 Q. Okay. But Al Rhodes recruited</p> <p>9 you when he became general manager here?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Okay. Now, do you know what</p> <p>12 Mr. Rhodes is doing now?</p> <p>13 A. He's working part-time for a</p> <p>14 chemical company in Columbus.</p> <p>15 Q. Do you know the name of it?</p> <p>16 A. Chem Station.</p> <p>17 Q. Is that K-I-M or C-H-E-M?</p> <p>18 A. C-H-E-M, uh-huh.</p> <p>19 Q. Do you know what he does there?</p> <p>20 A. He's a salesman.</p> <p>21 Q. How old, approximately, is</p> <p>22 Mr. Rhodes?</p> <p>23 MR. ROBERSON: No help from the</p> <p>24 studio audience now.</p> <p>25 A. Probably seventy.</p>	<p style="text-align: right;">13</p> <p>1 remind you, but today you've got to make a</p> <p>2 record, so you can't nod your head and you</p> <p>3 can't say uh-huh.</p> <p>4 A. Won't be a problem.</p> <p>5 Q. Okay. That's one of those</p> <p>6 rules, deposition rules.</p> <p>7 A. Yes, sir. I understand.</p> <p>8 Q. So I'm interested in other</p> <p>9 people who have held that position of a</p> <p>10 third-shift maintenance supervisor, okay,</p> <p>11 other than Ron Blocker?</p> <p>12 A. At the cook plant?</p> <p>13 Q. Is that the position he was</p> <p>14 working?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. Was there a third-shift</p> <p>17 maintenance supervisor at the cook plant</p> <p>18 before Mr. Blocker?</p> <p>19 A. When I went there?</p> <p>20 Q. Yeah. Y'all weren't operating</p> <p>21 the cook plant, were you?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 A. Yes. But I do not remember who</p> <p>25 was looking after third shift at that time,</p>
<p style="text-align: right;">12</p> <p>1 Q. So he should be working</p> <p>2 part-time, is what you're saying?</p> <p>3 A. Yes.</p> <p>4 Q. Now, when you came to work here</p> <p>5 in Eufaula at CP originally --</p> <p>6 A. Uh-huh (affirmative response).</p> <p>7 Q. -- were they running three</p> <p>8 shifts?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Who was the third-shift</p> <p>11 supervisor when you came? Do you recall?</p> <p>12 A. No.</p> <p>13 Q. I'm talking about the position</p> <p>14 of maintenance foreman; did y'all have a</p> <p>15 maintenance foreman on the third shift?</p> <p>16 A. I'm sure they did. That was</p> <p>17 the cook facility.</p> <p>18 Q. Okay. Here's what I'm trying</p> <p>19 to get to: Mr. Blocker was fired from a</p> <p>20 third-shift maintenance supervisor position;</p> <p>21 do you agree with that?</p> <p>22 A. Uh-huh (affirmative response).</p> <p>23 Q. You have to answer yes or no.</p> <p>24 A. Yes, sir. I'm sorry.</p> <p>25 Q. That's all right. I'll try to</p>	<p style="text-align: right;">14</p> <p>1 because I wasn't really affiliated with the</p> <p>2 cook plant in the beginning.</p> <p>3 Q. Okay. Well, Mr. Blocker was</p> <p>4 promoted to maintenance foreman in November</p> <p>5 of 2004; do you agree with that?</p> <p>6 A. To what position?</p> <p>7 Q. Maintenance supervisor or a</p> <p>8 salaried position?</p> <p>9 A. A salaried position?</p> <p>10 Q. Yeah.</p> <p>11 A. That sounds right.</p> <p>12 Q. Okay. He worked from</p> <p>13 November 1st, 2004, until he was fired on</p> <p>14 May 17th, 2005, as a salaried supervisor in</p> <p>15 the maintenance department?</p> <p>16 A. Yes, sir. That sounds correct.</p> <p>17 Q. On the third shift?</p> <p>18 A. Yes, sir.</p> <p>19 Q. I'm asking you, since you work</p> <p>20 in the maintenance department, who held that</p> <p>21 position that he held before him? Do you</p> <p>22 know?</p> <p>23 A. I honestly cannot remember who</p> <p>24 that was.</p> <p>25 Q. Was there somebody in that</p>

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<p style="text-align: right;">15</p> <p>1 position?</p> <p>2 A. I do not remember. I don't</p> <p>3 believe there was a salaried person in that</p> <p>4 position.</p> <p>5 Q. Well, was there somebody in</p> <p>6 that position maybe on hourly?</p> <p>7 A. Could have been, but I don't</p> <p>8 remember who it would have been.</p> <p>9 Q. Well, who replaced Ron Blocker?</p> <p>10 A. Robert Giles.</p> <p>11 Q. Is that Buck Giles?</p> <p>12 A. Yes, sir.</p> <p>13 Q. All right. Is he still the</p> <p>14 maintenance supervisor?</p> <p>15 A. Yes, sir.</p> <p>16 Q. On the third shift?</p> <p>17 A. No, sir. He's on second shift.</p> <p>18 Q. All right. Who's the</p> <p>19 third-shift supervisor?</p> <p>20 A. James Key.</p> <p>21 Q. And when did that change take</p> <p>22 place, approximately?</p> <p>23 A. Maybe a year ago. I can't</p> <p>24 remember the exact date.</p> <p>25 Q. All right. That's fine. Has</p>	<p style="text-align: right;">17</p> <p>1 Q. What made him the best</p> <p>2 candidate?</p> <p>3 A. He had been filling in or</p> <p>4 acting in that capacity as an hourly</p> <p>5 employee.</p> <p>6 Q. Do you know who he filled in</p> <p>7 for as the supervisor?</p> <p>8 A. I don't remember. There</p> <p>9 wasn't -- I don't think there was a salaried</p> <p>10 supervisor in that slot prior to making Ron</p> <p>11 salaried in that position.</p> <p>12 Q. Okay. When Ron took over the</p> <p>13 position, had y'all recently restarted the</p> <p>14 cook plant; that is, was this a startup?</p> <p>15 A. Yes, sir, it was a startup. I</p> <p>16 believe that is correct.</p> <p>17 Q. And do you know how long y'all</p> <p>18 hadn't been operating the cook plant?</p> <p>19 A. No. I can't remember that</p> <p>20 right off.</p> <p>21 Q. For those of us who aren't in</p> <p>22 the chicken business, what is the cook plant?</p> <p>23 Tell me what they do.</p> <p>24 A. That's where they take the raw</p> <p>25 product, bread it, batter it, par fry it,</p>
<p style="text-align: right;">16</p> <p>1 there been any other supervisor on the third</p> <p>2 shift since Mr. Blocker other than Mr. Giles</p> <p>3 and Mr. Key?</p> <p>4 A. Charlie Mobley [phonetic]</p> <p>5 filled in on that shift, I believe, for a</p> <p>6 little while.</p> <p>7 Q. Now, is Mr. Giles, was he a</p> <p>8 salaried supervisor when he worked the third</p> <p>9 shift?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Mr. Key a salaried supervisor?</p> <p>12 A. Yes, sir.</p> <p>13 Q. And when Mr. Mobley filled in,</p> <p>14 was he salaried or was he still hourly?</p> <p>15 A. He was salaried.</p> <p>16 Q. Okay. Now, when Ron Blocker --</p> <p>17 first of all, who made the decision to</p> <p>18 promote Ron Blocker to this salaried</p> <p>19 position?</p> <p>20 A. I would think it would have</p> <p>21 been Greg and myself.</p> <p>22 Q. Okay. Why did you select Ron</p> <p>23 Blocker?</p> <p>24 A. He was the best candidate for</p> <p>25 the job.</p>	<p style="text-align: right;">18</p> <p>1 freeze it, and bag it.</p> <p>2 Q. So you're actually preparing</p> <p>3 the chicken; from just being raw meat, you're</p> <p>4 actually cooking it and preparing it,</p> <p>5 correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. And you have some</p> <p>8 assembly lines, for lack of a better term,</p> <p>9 that the chicken proceeds down; is that the</p> <p>10 way it works?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. And the maintenance</p> <p>13 supervisor on the third shift, what would be</p> <p>14 his responsibility with respect to that cook</p> <p>15 plant?</p> <p>16 A. To finish up production for the</p> <p>17 second shift and to ensure that everything</p> <p>18 was ready to run and start it up on the day</p> <p>19 shift.</p> <p>20 Q. Okay. That's what I want to</p> <p>21 get to. You have two shifts that actually</p> <p>22 cook the chicken, correct?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And then the third shift does</p> <p>25 the maintenance to prepare for the next day</p>

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<p style="text-align: right;">19</p> <p>1 of cooking; is that a fair statement?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And so give me some</p> <p>4 examples of what they would do in terms of</p> <p>5 maintenance work on the third shift.</p> <p>6 A. They would tear down the FORMAX</p> <p>7 machines, disassemble those.</p> <p>8 Q. I'm sorry, the what kind of</p> <p>9 machines?</p> <p>10 A. FORMAX.</p> <p>11 Q. What does that do?</p> <p>12 A. It's a forming machine.</p> <p>13 Q. Okay.</p> <p>14 A. Take those apart, dismantle</p> <p>15 those for cleaning. Pipes, pumps. There's</p> <p>16 just a number of things they take apart and</p> <p>17 get ready to clean. Repair any damaged belts</p> <p>18 or anything. Sanitation and damages.</p> <p>19 Q. When you're cooking chicken, is</p> <p>20 it important that the work area be cleaned?</p> <p>21 Sanitation is important, correct?</p> <p>22 A. Sanitation is important, yes.</p> <p>23 Q. Okay. Would that be part of</p> <p>24 what they would do or see that it was done,</p> <p>25 the maintenance crew?</p>	<p style="text-align: right;">21</p> <p>1 A. Yes.</p> <p>2 Q. I mean, you can't clean while</p> <p>3 he's doing maintenance work, correct?</p> <p>4 A. Correct.</p> <p>5 Q. So they have to work together?</p> <p>6 A. That is correct.</p> <p>7 Q. Did you ever receive any</p> <p>8 complaints while Ron was the supervisor out</p> <p>9 there from Fred Thomas about Ron Blocker?</p> <p>10 A. I don't recall any.</p> <p>11 Q. Okay. Other than sanitation,</p> <p>12 were there other people that worked -- you</p> <p>13 don't have crews cooking chicken on the third</p> <p>14 shift, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Other than sanitation and</p> <p>17 maintenance, do you have anybody else that's</p> <p>18 out there in the facility?</p> <p>19 A. Shipping and QA.</p> <p>20 Q. Okay. Q and A is Quality and</p> <p>21 Assurance?</p> <p>22 A. Quality Assurance, yes.</p> <p>23 Q. Okay. And do they make a daily</p> <p>24 inspection of the machines in the process?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">20</p> <p>1 A. I don't understand.</p> <p>2 Q. Well, did they have some</p> <p>3 responsibility for keeping the work area</p> <p>4 clean and sanitized, or you've got another</p> <p>5 crew that does that?</p> <p>6 A. Another crew does that.</p> <p>7 Q. Who does that?</p> <p>8 A. Sanitation.</p> <p>9 Q. Oh, okay. And do they have a</p> <p>10 supervisor that also works on the third</p> <p>11 shift?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall who that was from</p> <p>14 November of '04 to May of '05?</p> <p>15 A. That would have been Fred</p> <p>16 Thomas.</p> <p>17 Q. So would he have also worked in</p> <p>18 the same plant or general area as</p> <p>19 Mr. Blocker?</p> <p>20 A. Fred worked both plants.</p> <p>21 Q. Is he still with you?</p> <p>22 A. Yes.</p> <p>23 Q. Well, is it important that</p> <p>24 maintenance and sanitation coordinate their</p> <p>25 work?</p>	<p style="text-align: right;">22</p> <p>1 Q. They test for bacteria and</p> <p>2 things like that?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So they, too, have to</p> <p>5 coordinate their work with maintenance,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And who was over QA; is that</p> <p>9 Ms. Merritt, Glenda Merritt [phonetic]?</p> <p>10 A. She was QA supervisor, yes.</p> <p>11 Q. Okay. You're the</p> <p>12 maintenance -- what did you say your position</p> <p>13 was?</p> <p>14 A. I didn't.</p> <p>15 Q. Okay.</p> <p>16 A. Complex Maintenance Manager.</p> <p>17 Q. Okay. And I assume that you</p> <p>18 have an open-door policy; that is, if anybody</p> <p>19 that's under your supervision has a problem,</p> <p>20 they can come to you, correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Are you over QA?</p> <p>23 A. No, sir.</p> <p>24 Q. Who is?</p> <p>25 A. The QA -- Complex QA Manager.</p>

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<p style="text-align: right;">23</p> <p>1 Q. Okay.</p> <p>2 A. Which is Butch White.</p> <p>3 Q. Was he there in 2004, 2005?</p> <p>4 A. Yes.</p> <p>5 Q. Did he ever come to you with</p> <p>6 any concern about Ron Blocker?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Did Glenda Merritt ever come to</p> <p>9 you with any concern about Ron Blocker?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Did anybody ever come to you --</p> <p>12 before Ms. Gilmore came in May, did anybody</p> <p>13 ever come to you with some concern about Ron</p> <p>14 Blocker?</p> <p>15 A. I can't recall.</p> <p>16 Q. Okay. What period of time does</p> <p>17 the third shift report to work?</p> <p>18 A. If I'm correct, they come in</p> <p>19 around 9, 9:30.</p> <p>20 Q. And when do they work until?</p> <p>21 A. Until they get through.</p> <p>22 Q. Okay. Do they have a schedule?</p> <p>23 A. No, sir.</p> <p>24 Q. Okay. So when you say "until</p> <p>25 they get through," can you give me some</p>	<p style="text-align: right;">25</p> <p>1 A. No, sir.</p> <p>2 Q. Okay. And then a decision was</p> <p>3 made to offer him this position as a</p> <p>4 maintenance supervisor. Did you have any</p> <p>5 discussions with him about the job before he</p> <p>6 took it?</p> <p>7 A. I'm sure I did.</p> <p>8 Q. Now, when did Equity Group</p> <p>9 acquire the facility?</p> <p>10 A. Approximately, March.</p> <p>11 Q. 2004?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. So Equity Group took</p> <p>14 over. And before they took over, was CP</p> <p>15 operating the cook plant?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. So that was a change</p> <p>18 that they made, Equity Group started the cook</p> <p>19 plant back, correct?</p> <p>20 A. That is correct.</p> <p>21 Q. All right. Now, Mr. Blocker</p> <p>22 claims that he was told by you and by Greg</p> <p>23 Mills that Equity Group was not going to</p> <p>24 allow overtime to be worked; that is, they</p> <p>25 were implementing a no overtime policy. Do</p>
<p style="text-align: right;">24</p> <p>1 range? I don't know when they would normally</p> <p>2 get through, so . . .</p> <p>3 A. It depends on what's going on</p> <p>4 at the time.</p> <p>5 Q. Okay. Well, can you give me</p> <p>6 some range? What's the earliest they could</p> <p>7 get off?</p> <p>8 A. Usually, eight, eight-and-</p> <p>9 a-half hours.</p> <p>10 Q. And what's the latest they</p> <p>11 could stay?</p> <p>12 A. It depends on the nature of the</p> <p>13 problem.</p> <p>14 Q. Now, do you recall when Ron</p> <p>15 Blocker went to work in your maintenance</p> <p>16 department, what year?</p> <p>17 A. No, I don't.</p> <p>18 Q. He was there a number of years</p> <p>19 before he got promoted to supervisor; would</p> <p>20 you agree with that?</p> <p>21 A. Yes, sir. He was there a</p> <p>22 while.</p> <p>23 Q. Did you have any complaints</p> <p>24 about his work performance during that period</p> <p>25 of time?</p>	<p style="text-align: right;">26</p> <p>1 you recall any conversation you had with him</p> <p>2 like that?</p> <p>3 A. No, sir.</p> <p>4 Q. So he just made that up?</p> <p>5 A. I don't know about that.</p> <p>6 Q. Okay. Well, you never were</p> <p>7 made aware from any source about a no</p> <p>8 overtime policy at the Equity Group?</p> <p>9 A. No, sir.</p> <p>10 Q. Were you under any pressure to</p> <p>11 eliminate or reduce overtime?</p> <p>12 A. No, sir.</p> <p>13 Q. Okay. Now, do you know what</p> <p>14 shift Ron was working before he took the --</p> <p>15 was he working the third shift before he took</p> <p>16 the supervisor position?</p> <p>17 A. I can't remember that.</p> <p>18 Q. Well, can you remember anything</p> <p>19 you told Ron about the supervisor's job, why</p> <p>20 he should take it?</p> <p>21 A. Well, I'm sure we discussed</p> <p>22 benefits.</p> <p>23 Q. Okay. What would be better</p> <p>24 about being the supervisor?</p> <p>25 A. Equity paid for insurance.</p>

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<p style="text-align: right;">27</p> <p>1 Q. For your family?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Anything else?</p> <p>4 A. You have a disability, long</p> <p>5 term and short term.</p> <p>6 Q. That's available only to</p> <p>7 management or can hourly people actually get</p> <p>8 disability insurance from Equity Group?</p> <p>9 A. I'm not sure on that.</p> <p>10 Q. Anything else?</p> <p>11 A. I can't remember.</p> <p>12 Q. In fact, it's a group policy,</p> <p>13 isn't it, disability?</p> <p>14 A. I'm not sure.</p> <p>15 Q. So Equity Group, if you're in</p> <p>16 management, pays for your disability</p> <p>17 insurance, but it's available to be purchased</p> <p>18 by hourly workers, correct? They'd have to</p> <p>19 pay for it themselves, but . . .</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. Do you know any reason</p> <p>22 why they wouldn't be offering it, an</p> <p>23 insurance company?</p> <p>24 A. I don't know.</p> <p>25 Q. What about this profit sharing;</p>	<p style="text-align: right;">29</p> <p>1 A. That is correct.</p> <p>2 Q. If you're in sales, it might be</p> <p>3 production, but if you're in maintenance, it</p> <p>4 might be downtime?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. And you've gotten</p> <p>7 bonuses?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. Anything else, any other</p> <p>10 benefits to being in management that you're</p> <p>11 aware of?</p> <p>12 A. I'm sure there are.</p> <p>13 Q. Okay. But as a manager, you</p> <p>14 get paid a salary, correct?</p> <p>15 A. Yes, sir.</p> <p>16 Q. You don't get overtime?</p> <p>17 A. No, sir.</p> <p>18 Q. So did you discuss that at all</p> <p>19 with Ron Blocker before he took the job as a</p> <p>20 salaried employee?</p> <p>21 A. When we talked salary, I'm</p> <p>22 sure.</p> <p>23 Q. Did you tell him how many hours</p> <p>24 he would be expected to work each week?</p> <p>25 A. No, sir.</p>
<p style="text-align: right;">28</p> <p>1 did they have profit sharing for management?</p> <p>2 A. Yes. They have a bonus</p> <p>3 program.</p> <p>4 Q. Okay. What do you have to do</p> <p>5 to get a bonus?</p> <p>6 A. You have to meet the criteria</p> <p>7 for -- usually, for areas in your department.</p> <p>8 Q. All right. You've been working</p> <p>9 there since '99?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Have you gotten bonuses?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Is it based on production or</p> <p>14 based on how much the plant produces, sales</p> <p>15 or anything like that?</p> <p>16 A. It can be online time,</p> <p>17 downtime.</p> <p>18 Q. Oh, okay. For maintenance?</p> <p>19 A. Yes.</p> <p>20 Q. So if you reduce or keep your</p> <p>21 downtime to certain percentages, you get a</p> <p>22 bonus?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Depends on your</p> <p>25 particular area?</p>	<p style="text-align: right;">30</p> <p>1 Q. Would you know?</p> <p>2 A. Would I know --</p> <p>3 Q. How many hours he'd be expected</p> <p>4 to work as a third-shift supervisor?</p> <p>5 A. No.</p> <p>6 Q. So would it be fair to say that</p> <p>7 if you told him how many hours he'd be</p> <p>8 working, you'd be telling him something you</p> <p>9 couldn't possibly know; would that be fair?</p> <p>10 A. Yes.</p> <p>11 Q. And that in certain</p> <p>12 circumstances -- well, from November of '04</p> <p>13 to May of '05, did y'all have a second-shift</p> <p>14 supervisor that quit or got fired or</p> <p>15 something -- or was off work?</p> <p>16 A. I don't remember.</p> <p>17 MR. ROBERSON: The first shift,</p> <p>18 what was his name?</p> <p>19 MR. SMITH: James Brag.</p> <p>20 MR. ROBERSON: Hurt his leg or</p> <p>21 something?</p> <p>22 MR. SMITH: Yeah, he was out.</p> <p>23 BY MR. ROBERSON:</p> <p>24 Q. Do you remember when James Brag</p> <p>25 was out for a period of time, first-shift</p>



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<p style="text-align: right;">31</p> <p>1 supervisor?</p> <p>2 A. I don't remember.</p> <p>3 Q. Well, was James Brag a</p> <p>4 first-shift supervisor for a period of time?</p> <p>5 A. He was a plant superintendent.</p> <p>6 Q. Well, if Mr. Blocker claims</p> <p>7 that he worked eighty hours or more during</p> <p>8 the period of time from November of '04 to</p> <p>9 May of '05, do you dispute that?</p> <p>10 A. I wouldn't know how many hours</p> <p>11 he worked.</p> <p>12 Q. So is that a no, you don't</p> <p>13 dispute it?</p> <p>14 A. I wouldn't have any way of</p> <p>15 knowing.</p> <p>16 Q. Okay. Well, you worked there,</p> <p>17 didn't you?</p> <p>18 A. Yes.</p> <p>19 Q. What time do you come to work?</p> <p>20 A. I don't have a set time.</p> <p>21 Q. Well, what time do you normally</p> <p>22 arrive at work?</p> <p>23 A. It varies. It depends on what</p> <p>24 I've got to do that day.</p> <p>25 Q. Well, were there occasions when</p>	<p style="text-align: right;">33</p> <p>1 crews and the maintenance, yeah. Do they</p> <p>2 cook chicken on Saturday?</p> <p>3 A. Sometimes, yes.</p> <p>4 Q. Depending on your orders and --</p> <p>5 A. That is correct.</p> <p>6 Q. Okay. If they work on</p> <p>7 Saturday, your hourly people, they get paid</p> <p>8 overtime, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Now, Ms. Gilmore had shown me a</p> <p>11 document which we marked as Exhibit 1 to her</p> <p>12 deposition, Saturday Pay Policy, and it says</p> <p>13 the effective date is May 9th, 2005; are you</p> <p>14 familiar with that document?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Now, who implemented that</p> <p>17 policy at the Eufaula location?</p> <p>18 A. I don't know.</p> <p>19 Q. Did you have anything to do</p> <p>20 with it?</p> <p>21 A. Did I? No, sir.</p> <p>22 Q. Okay. To your knowledge, did</p> <p>23 Greg Mills?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. Okay. You don't know who</p>
<p style="text-align: right;">32</p> <p>1 you saw Mr. Blocker there during that period</p> <p>2 of time while you were at work?</p> <p>3 A. I'm sure I saw him a lot of</p> <p>4 mornings.</p> <p>5 Q. Did you see him a lot of</p> <p>6 afternoons after lunchtime?</p> <p>7 A. It's possible.</p> <p>8 Q. Did he ever work sixteen or</p> <p>9 more hours in a day?</p> <p>10 A. He could have.</p> <p>11 Q. Did the third-shift maintenance</p> <p>12 supervisor work on Saturdays?</p> <p>13 A. I believe they did some, yes, I</p> <p>14 do.</p> <p>15 Q. Did you? Did you work on</p> <p>16 Saturdays?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Your line employees, do they</p> <p>19 work on Saturdays?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. The hourly people get</p> <p>22 paid overtime?</p> <p>23 A. Hourly maintenance. You're</p> <p>24 talking about hourly maintenance?</p> <p>25 Q. I'm actually talking about the</p>	<p style="text-align: right;">34</p> <p>1 implemented the policy?</p> <p>2 A. No, sir.</p> <p>3 Q. How were you made aware of it?</p> <p>4 A. In a staff meeting.</p> <p>5 Q. When?</p> <p>6 A. Oh, I don't recall that, when.</p> <p>7 Q. Do you know who was present?</p> <p>8 A. No, I don't.</p> <p>9 Q. How often do y'all have them?</p> <p>10 A. Have . . .</p> <p>11 Q. Staff meetings.</p> <p>12 A. Every week.</p> <p>13 Q. So it could have been any week;</p> <p>14 you don't recall what day?</p> <p>15 A. No, I don't recall.</p> <p>16 Q. Well, this document says it's</p> <p>17 effective date is May 9th, 2005. Do you see</p> <p>18 that?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you recall this staff</p> <p>21 meeting to have occurred around that time?</p> <p>22 A. I don't recall when it was.</p> <p>23 Q. Did you know Ron Blocker was</p> <p>24 fired on May 17th? Did you know that?</p> <p>25 A. I don't recall when.</p>

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35	37
<p>1 Q. Okay. Did you have any role in 2 his firing? 3 A. No, sir. 4 Q. Did Kathy Gilmore come to you 5 with her recommendation? 6 A. Yes, sir. 7 Q. Did you approve of it? 8 A. Yes, sir. 9 Q. Okay. And are y'all paying 10 supervisors who work Saturdays \$115; are 11 y'all paying them now? 12 A. Maintenance supervisors? 13 Q. Yes. 14 A. For working Saturdays? 15 Q. Yes, sir. 16 A. No, sir. 17 Q. This says that's your policy, 18 the maintenance supervisor -- 19 A. Maintenance supervisor is 20 seventh day, not sixth day. 21 Q. Saturday Pay Policy, Exhibit 1, 22 Affected personnel from this policy are 23 listed below: Maintenance supervisor. It 24 doesn't say anything about seventh day. Do 25 you see that?</p>	<p>1 A. No. I don't recall that 2 either. 3 Q. But you know Equity Group would 4 have records like that, wouldn't they? 5 A. Yes, sir. 6 Q. Who would I ask to get those? 7 A. Kathy, I'm sure. 8 Q. I see. She'd have access to 9 that information, shouldn't she? 10 A. Yes. 11 Q. Who's over your payroll 12 department? 13 A. I'm not sure who would handle 14 the salary payroll. 15 Q. Well, somebody has to, don't 16 they? 17 A. Yes, sir. 18 Q. Would Jim Bice know that? 19 MR. SMITH: Know who to ask or 20 who he paid what? 21 A. Yeah. 22 Q. Have you ever -- 23 MR. SMITH: What were you 24 answering yes to? 25 THE WITNESS: I just told him</p>
36	38
<p>1 A. Yes, sir. 2 Q. Y'all don't pay your 3 maintenance supervisors \$115 to work 4 Saturdays? 5 A. If they work seven days, yes, 6 sir. 7 Q. Well, if they work on Saturday, 8 do they get extra pay? 9 A. Yes, sir. 10 Q. \$115? 11 A. I don't have any idea what it 12 is. 13 Q. All right. What if they work 14 Sunday, do they get extra pay? 15 A. If it -- maintenance gets paid 16 for the seventh day. 17 Q. Well, can you name one person 18 that was in maintenance as a supervisor that 19 was paid for a Saturday before Ron Blocker 20 was fired? 21 A. Oh, I don't recall. I don't 22 recall that. 23 Q. Do you know when the first time 24 was that you paid a maintenance supervisor 25 for working on a Saturday?</p>	<p>1 Jim knew. 2 MR. SMITH: That he would know 3 who to ask? 4 THE WITNESS: Yeah. 5 MR. SMITH: Okay. 6 Q. Have you ever been paid for 7 working on a Saturday? 8 A. No, sir. 9 Q. You never have signed this 10 sheet or -- 11 A. No, sir. 12 Q. Okay. Do you know that 13 supervisors have been paid for working on 14 Saturday? Do you know personally? 15 A. I have not seen their checks, 16 no. 17 Q. Has anybody ever told you they 18 were paid -- 19 A. No, sir. 20 Q. -- or didn't get paid? 21 A. No, sir. 22 Q. All right. Now, there's been 23 some allegations that Mr. Blocker engaged in 24 inappropriate conduct on his third shift. 25 Did you ever make any investigation into any</p>

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<p style="text-align: right;">39</p> <p>1 of those allegations?</p> <p>2 A. No, sir.</p> <p>3 Q. Did you talk to anybody on the</p> <p>4 third shift?</p> <p>5 A. No, sir.</p> <p>6 Q. Do you have any personal</p> <p>7 knowledge of any inappropriate conduct by</p> <p>8 Mr. Blocker?</p> <p>9 A. Personal, no, sir.</p> <p>10 Q. That you saw, you observed him</p> <p>11 do something that you felt was improper?</p> <p>12 A. No, sir.</p> <p>13 Q. Have you ever had any</p> <p>14 discussion with him about any inappropriate</p> <p>15 conduct?</p> <p>16 A. Not that I recall.</p> <p>17 Q. You've got a personal vehicle?</p> <p>18 A. Yes, sir.</p> <p>19 Q. What do you drive?</p> <p>20 A. A 1996 model GMC pickup.</p> <p>21 Q. Is that what you drove in 2004</p> <p>22 and 2005, same truck?</p> <p>23 A. No, sir.</p> <p>24 Q. What were you driving back</p> <p>25 then, if you recall?</p>	<p style="text-align: right;">41</p> <p>1 A. Yes. We have constructed</p> <p>2 wetlands.</p> <p>3 Q. I'm sorry? Constructed</p> <p>4 wetlands?</p> <p>5 A. Yes, sir.</p> <p>6 Q. And are there some plants in</p> <p>7 there?</p> <p>8 A. Yes, sir.</p> <p>9 Q. What are they called?</p> <p>10 A. We have cattails.</p> <p>11 Q. Okay. Anything else?</p> <p>12 A. We have giant reeds.</p> <p>13 Q. Okay. Anything else?</p> <p>14 A. And we have -- we have another</p> <p>15 plant. I can't recall the name of it.</p> <p>16 Q. High lines or something like</p> <p>17 that?</p> <p>18 A. Hyacinths.</p> <p>19 Q. Hyacinths?</p> <p>20 A. We have had Hyacinths in there,</p> <p>21 yes.</p> <p>22 Q. Okay. And are there some</p> <p>23 limitations about those plants, where they</p> <p>24 can be located?</p> <p>25 A. Not that I'm aware of.</p>
<p style="text-align: right;">40</p> <p>1 A. My personal vehicle then was a</p> <p>2 1996 F-150.</p> <p>3 Q. Did Ron Blocker ever work on</p> <p>4 your truck?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Any maintenance employees ever</p> <p>7 work on your truck?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Did you ever ask Ron Blocker to</p> <p>10 do anything that was illegal?</p> <p>11 A. No, sir.</p> <p>12 Q. Against the law?</p> <p>13 A. No, sir.</p> <p>14 Q. Tell me how they -- do they use</p> <p>15 water to clean their machinery there at the</p> <p>16 chicken plant?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And where does that water go?</p> <p>19 Does it go through some kind of filtration</p> <p>20 system?</p> <p>21 A. Goes through the wastewater</p> <p>22 system, the . . .</p> <p>23 Q. Y'all have got some ponds built</p> <p>24 that this water goes through to kind of get</p> <p>25 cleaned up?</p>	<p style="text-align: right;">42</p> <p>1 Q. Did Mr. Blocker bring some of</p> <p>2 those plants into your facility?</p> <p>3 A. Yeah. We put some in the ponds</p> <p>4 at one time.</p> <p>5 Q. Where did they come from?</p> <p>6 A. They were harvested out of a</p> <p>7 pond in Montgomery.</p> <p>8 Q. Do you have to have a permit or</p> <p>9 something in order to transport those plants?</p> <p>10 A. Not that I'm aware of.</p> <p>11 Q. Have you looked into that?</p> <p>12 A. No, sir.</p> <p>13 Q. Well, under who's instruction</p> <p>14 were those plants transported?</p> <p>15 A. The environmental manager.</p> <p>16 Q. Who's that?</p> <p>17 A. He was Ron Blocker -- Ron</p> <p>18 Howell.</p> <p>19 Q. Is he still with y'all?</p> <p>20 A. No, sir.</p> <p>21 Q. Where is he?</p> <p>22 A. I don't know. I haven't seen</p> <p>23 him in a long time.</p> <p>24 Q. Why isn't he with y'all; did he</p> <p>25 quit or was he fired?</p>

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<p style="text-align: right;">43</p> <p>1 A. He was fired.</p> <p>2 Q. Okay. Do y'all have some scrap</p> <p>3 metal out there?</p> <p>4 A. Yes, sir.</p> <p>5 Q. What do y'all do with it?</p> <p>6 A. We have a guy that picks it up.</p> <p>7 Q. Who's that?</p> <p>8 A. A gentleman by the name of --</p> <p>9 Cole Surplus is who's getting it now.</p> <p>10 Q. Cole Surplus is the name of his</p> <p>11 business?</p> <p>12 A. Yes, sir, uh-huh.</p> <p>13 Q. Okay. Well, in 2004, 2005, who</p> <p>14 was it?</p> <p>15 A. Oh, I don't remember whether it</p> <p>16 was him or who. I don't know.</p> <p>17 Q. And do y'all get receipts for</p> <p>18 that? When he picks up, do y'all get</p> <p>19 receipts?</p> <p>20 A. They send a check to the plant,</p> <p>21 yes, sir.</p> <p>22 Q. Do y'all use motors out there?</p> <p>23 A. Use motors?</p> <p>24 Q. Uh-huh (affirmative response),</p> <p>25 in the chicken business?</p>	<p style="text-align: right;">45</p> <p>1 about the same thing?</p> <p>2 A. I don't recall that. I don't.</p> <p>3 Q. Did you have any conversation</p> <p>4 with Greg Mills about it?</p> <p>5 A. Not that I recall, no.</p> <p>6 Q. And after he went to see you</p> <p>7 and Greg Mills, he went to see Kathy Gilmore;</p> <p>8 do you recall that?</p> <p>9 A. No, sir. I don't recall that.</p> <p>10 Q. And after he went to see all</p> <p>11 three of those people complaining about his</p> <p>12 hours, then we had this investigation by</p> <p>13 Ms. Gilmore, occasioned by a call she got</p> <p>14 from Kenneth Pelham?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Do you recall that?</p> <p>17 A. I recall Kenneth Pelham, yes,</p> <p>18 sir.</p> <p>19 Q. Now, do you recall when Kenneth</p> <p>20 Pelham worked there?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Did he ever complain to you</p> <p>23 during the time that he worked there about</p> <p>24 Ron Blocker?</p> <p>25 A. I don't recall if he did.</p>
<p style="text-align: right;">44</p> <p>1 A. Yes.</p> <p>2 Q. Have you ever purchased any</p> <p>3 motors?</p> <p>4 A. Have I ever purchased any?</p> <p>5 Q. Yes.</p> <p>6 A. Yes, sir.</p> <p>7 Q. Who's your vendor for motors?</p> <p>8 A. We have multiple vendors.</p> <p>9 Q. Give me their names, any of</p> <p>10 them.</p> <p>11 A. Grainger, Higgins.</p> <p>12 Q. Do y'all get rebuilt motors?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Who do you get those from?</p> <p>15 A. We have a gentleman in</p> <p>16 Enterprise that used to rebuild them. His</p> <p>17 name is Frank Brown.</p> <p>18 Q. Now, do you recall Mr. Blocker</p> <p>19 coming to your office -- before this alleged</p> <p>20 investigation and before his suspension, do</p> <p>21 you recall him coming to your office to</p> <p>22 complain about the hours he was working?</p> <p>23 A. I don't recall.</p> <p>24 Q. And do you recall that after he</p> <p>25 visited with you, he went to see Greg Mills</p>	<p style="text-align: right;">46</p> <p>1 Q. Do you ever recall having a</p> <p>2 conversation with Mr. Blocker about Kenneth</p> <p>3 Pelham before he was fired?</p> <p>4 A. I don't recall that. I don't.</p> <p>5 Q. Do you recall instructing</p> <p>6 Mr. Blocker to fire Kenneth Pelham?</p> <p>7 A. I don't recall that.</p> <p>8 Q. I know there's 1,600 employees,</p> <p>9 and I know it's hard to keep up with all of</p> <p>10 them --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- but would it be unusual for</p> <p>13 a foreman to come in and talk to you about</p> <p>14 somebody before they were fired; would that</p> <p>15 be just kind of -- that wouldn't be unusual</p> <p>16 for them to come in and talk about an</p> <p>17 employee they were considering firing, would</p> <p>18 it?</p> <p>19 A. A supervisor?</p> <p>20 Q. Yeah.</p> <p>21 A. That could happen, yes, sir.</p> <p>22 Q. Okay. That has happened from</p> <p>23 time to time?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. But you just don't</p>

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<p style="text-align: right;">47</p> <p>1 recall if Mr. Blocker had any discussions 2 with you about that? 3 A. No, sir, I don't. 4 Q. All right. Now, do you 5 remember what Mr. Blocker was making; that 6 is, what his salary was as a supervisor? 7 A. It would have been \$48,000 a 8 year. 9 Q. Okay. I'm going to show you 10 what I've marked as Exhibit 6. These are 11 three W-2s for Ron Blocker. And the reason 12 he got three W-2s is because he worked part 13 of that year for CP. Then they were acquired 14 by the Equity Group, and then he worked 15 hourly for the Equity Group until November. 16 And then he worked in the salaried position 17 from November 1st to the end of the year, 18 okay? 19 A. Okay. 20 Q. That's why he's got three W-2s. 21 Look at those. 22 (Witness reviewed documents.) 23 Q. Now, do you see where he 24 made -- and I can't recall the first one -- 25 yeah, the first one is \$8,355; is that</p>	<p style="text-align: right;">49</p> <p>1 Q. Okay. Then the second W-2, 2 gross pay is \$40,000 from the Equity Group. 3 Do you see that in the middle of the page? 4 (Witness reviewed document.) 5 MR. SMITH: Talking about this 6 37,919? 7 MR. ROBERSON: No. 8 MR. SMITH: Same spot as last 9 time. That's what he was 10 reading off of last time, 11 there in the middle. 12 MR. ROBERSON: Oh, okay. 13 MR. SMITH: You may want to go 14 back and do that. 15 BY MR. ROBERSON: 16 Q. Gross pay, it's got up here at 17 the top, 40,004. 18 A. Okay. 19 Q. Do you see that? 20 A. Yes, sir. 21 Q. Okay. And that would reflect 22 the period of time from the time Equity Group 23 took over until he was made supervisor in 24 November, okay. Now, when did Equity Group 25 take over? Do you remember what month that</p>
<p style="text-align: right;">48</p> <p>1 correct? Do you see that figure up in the 2 right-hand corner? 3 A. \$8,355.51, wages, tips and 4 other comp. 5 Q. All right. Now, at \$48,000 a 6 year, that would be about \$4,000 a month, 7 wouldn't it? 8 A. Oh, I don't know. I'd have to 9 take your word on that. 10 Q. Okay. 11 MR. SMITH: He ain't the 12 accountant. 13 Q. Twelve times four is 14 forty-eight. So there's twelve months in the 15 year; do you agree with me about that? 16 A. Yes, sir. There's twelve 17 months in a year. 18 Q. Okay. And if you make \$4,000 a 19 month, that would be \$48,000, okay? 20 A. Okay. 21 Q. So if he worked two months -- 22 the \$8,000 would reflect the period of time 23 that he was a supervisor; do you agree with 24 that, think that's right? 25 A. That could be right, yes, sir.</p>	<p style="text-align: right;">50</p> <p>1 was? 2 A. I believe it was March. 3 Q. Okay. Then we've got the third 4 one, which is from CP. And that figure is 5 13,800-and-something. Do you see that? 6 A. Yes, sir. 7 Q. Okay. So in seven months -- 8 that is, we take two months as a salaried 9 employee, and we take three months as when 10 they were CP, and so he had seven months as 11 an hourly employee for Equity Group in 2004, 12 correct? 13 A. (No immediate response.) 14 Q. From March to November, seven 15 months, correct? He made \$40,000 working as 16 hourly in seven months. That's almost -- 17 that's \$75,000 a year, right? 18 A. I can't run those numbers in my 19 head quick enough. 20 Q. All right. Well, if you worked 21 so many hours that you made \$40,000 in seven 22 months, why would you take a job as a 23 salaried supervisor making \$48,000 in a whole 24 year? Can you explain that to me? 25 MR. SMITH: Object to the form.</p>



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<p style="text-align: right;">51</p> <p>1 You can answer if you . . .</p> <p>2 Q. So you could get disability</p> <p>3 insurance?</p> <p>4 A. Different people have different</p> <p>5 reasons.</p> <p>6 Q. Well, you had to have discussed</p> <p>7 it with Ron Blocker; what were his reasons</p> <p>8 for taking the job?</p> <p>9 MR. SMITH: Object to the form.</p> <p>10 Q. You can answer.</p> <p>11 A. I don't know what his reason</p> <p>12 was.</p> <p>13 Q. All right. He just wanted to</p> <p>14 make less money?</p> <p>15 MR. SMITH: Object to the form.</p> <p>16 A. I don't know.</p> <p>17 Q. Well, I'm going to show you</p> <p>18 what's been marked as Exhibit 5. Did you sit</p> <p>19 down with Ron Blocker on the 17th of May and</p> <p>20 tell him he was suspended?</p> <p>21 (Witness reviewed document.)</p> <p>22 A. I was present when Kathy told</p> <p>23 him he was suspended.</p> <p>24 Q. Okay. Did you get him to sign</p> <p>25 that document, and you signed it?</p>	<p style="text-align: right;">53</p> <p>1 Q. Did Kathy?</p> <p>2 A. I don't recall that.</p> <p>3 Q. Okay. So other than what's on</p> <p>4 this page, did you communicate anything to</p> <p>5 Ron about why he was being suspended?</p> <p>6 A. No, sir.</p> <p>7 Q. Okay. And you didn't hear</p> <p>8 Kathy explain any of this to Ron about why he</p> <p>9 was being suspended other than what's on this</p> <p>10 paper?</p> <p>11 A. She could have, but I don't</p> <p>12 remember.</p> <p>13 Q. Okay. And he was instructed to</p> <p>14 call the office in a week to find out what</p> <p>15 the results of their investigation were,</p> <p>16 right, according to this?</p> <p>17 A. No. I would say -- well,</p> <p>18 that's what's on there, yes.</p> <p>19 Q. Yeah, okay. After that day,</p> <p>20 May 17th, when he was suspended, did you</p> <p>21 ever talk to Ron again?</p> <p>22 A. I saw Ron again, yes.</p> <p>23 Q. Okay. When was that?</p> <p>24 A. Two or three months later.</p> <p>25 Q. Okay. But a week later, you</p>
<p style="text-align: right;">52</p> <p>1 A. Yes, sir.</p> <p>2 Q. Do you recall anything else you</p> <p>3 told him that's not contained in that</p> <p>4 document -- or that Kathy told him?</p> <p>5 A. I don't quite understand the</p> <p>6 question.</p> <p>7 Q. Well, sir, I'll try to rephrase</p> <p>8 it.</p> <p>9 A. Okay.</p> <p>10 Q. This document says, You're</p> <p>11 being suspended for conduct unbecoming a</p> <p>12 member of management, okay?</p> <p>13 A. Okay.</p> <p>14 Q. It's been reported that he has</p> <p>15 engaged in physical and mental abuse. Did</p> <p>16 you tell him or did Kathy tell him what those</p> <p>17 allegations were, who was making them, what</p> <p>18 they were saying?</p> <p>19 A. I did not tell him.</p> <p>20 Q. Did you hear Kathy tell him?</p> <p>21 A. I don't remember that.</p> <p>22 Q. Okay. And vandalism, did you</p> <p>23 tell him anything about what allegation of</p> <p>24 vandalism had been made?</p> <p>25 A. I did not.</p>	<p style="text-align: right;">54</p> <p>1 didn't talk to him?</p> <p>2 A. No.</p> <p>3 Q. Okay. You didn't tell him he</p> <p>4 was fired?</p> <p>5 A. No, sir.</p> <p>6 Q. And you didn't have any contact</p> <p>7 with him until you saw him two or three</p> <p>8 months later?</p> <p>9 A. I didn't have any contact with</p> <p>10 him then.</p> <p>11 Q. Okay. Well, when you saw Ron</p> <p>12 two or three months later, where was that?</p> <p>13 A. He was inside the property</p> <p>14 line, backed up there at the well house,</p> <p>15 going into the well.</p> <p>16 Q. Going into the well?</p> <p>17 A. Uh-huh (affirmative response).</p> <p>18 Q. Okay. What was he doing?</p> <p>19 A. Oh, I don't know.</p> <p>20 Q. Okay.</p> <p>21 A. I guess he was waiting on</p> <p>22 somebody. I don't know.</p> <p>23 Q. Okay. You're not suggesting he</p> <p>24 was doing something he shouldn't have been?</p> <p>25 A. No, sir. No, sir. No, sir.</p>

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<p>55</p> <p>1 Q. Well, I just --</p> <p>2 A. No, sir.</p> <p>3 Q. I don't get to talk to you</p> <p>4 except with Mr. Smith --</p> <p>5 A. Right.</p> <p>6 Q. -- so I just want to make sure</p> <p>7 that we're on the same page.</p> <p>8 A. Yes, sir.</p> <p>9 MR. SMITH: You haven't heard</p> <p>10 about that part of the case</p> <p>11 yet?</p> <p>12 MR. ROBERSON: No, I haven't.</p> <p>13 I haven't.</p> <p>14 BY MR. ROBERSON:</p> <p>15 Q. And Mr. Blocker hasn't</p> <p>16 threatened you or done anything inappropriate</p> <p>17 to you?</p> <p>18 A. Me?</p> <p>19 Q. Yeah.</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. And he conducted himself</p> <p>22 appropriately even when he was fired; do you</p> <p>23 agree with that? In other words, he didn't</p> <p>24 say he was going to blow up Equity Group or</p> <p>25 come back there with a machine gun or</p>	<p>57</p> <p>1 some reason -- I don't know, he may have been</p> <p>2 getting his tools or something -- is there</p> <p>3 any other time that you've seen him or . . .</p> <p>4 A. I saw him at Wal-Mart.</p> <p>5 Q. You just bumped into him out in</p> <p>6 the --</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. All right. He hasn't</p> <p>9 called your home and done anything or --</p> <p>10 A. No, sir, not that I'm aware of.</p> <p>11 Q. -- threatened your kids or run</p> <p>12 over your dog or anything?</p> <p>13 A. No, sir.</p> <p>14 Q. All right. Do you agree with</p> <p>15 me that the allegations made in -- did you</p> <p>16 look at her interview with these people, this</p> <p>17 document, Exhibit 4?</p> <p>18 A. I could have seen it before. I</p> <p>19 don't remember.</p> <p>20 Q. Okay. Well, other than the</p> <p>21 complaints about Ron Blocker as a manager, do</p> <p>22 you know anything that would disqualify him</p> <p>23 from working as an hourly worker at Equity</p> <p>24 Group?</p> <p>25 A. Not that I would know of.</p>
<p>56</p> <p>1 something?</p> <p>2 A. I don't know about when he was</p> <p>3 fired.</p> <p>4 Q. Okay. Well, you're right. But</p> <p>5 when he was suspended, he didn't --</p> <p>6 A. I didn't suspend him.</p> <p>7 Q. -- act inappropriately to you</p> <p>8 in your presence?</p> <p>9 A. He was getting a little antsy</p> <p>10 and . . .</p> <p>11 Q. Upset?</p> <p>12 A. Yes, sir.</p> <p>13 Q. But he didn't start cussing</p> <p>14 you --</p> <p>15 A. No, sir.</p> <p>16 Q. -- or threatening you --</p> <p>17 A. No, sir.</p> <p>18 Q. -- or telling you what he was</p> <p>19 going to do?</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. Nobody likes being</p> <p>22 suspended or fired; do you agree with that?</p> <p>23 A. I would agree with that.</p> <p>24 Q. Other than that time you saw</p> <p>25 Mr. Blocker apparently on the property for</p>	<p>58</p> <p>1 Q. I mean, best I can tell, he was</p> <p>2 a pretty good hand, wasn't he, I mean, in</p> <p>3 maintenance?</p> <p>4 A. He was a good maintenance man.</p> <p>5 Q. Okay. And he's got some</p> <p>6 skills, some ability in that area. And I</p> <p>7 assume y'all are hiring in that area?</p> <p>8 A. Yes, sir.</p> <p>9 Q. So do you know any reason he</p> <p>10 can't go back to work there?</p> <p>11 A. That would have to go through</p> <p>12 probably Huntsville, because he was a</p> <p>13 salaried employee before.</p> <p>14 Q. Okay. Now, since this lawsuit,</p> <p>15 have you talked to anybody or done any</p> <p>16 investigation into the allegations the people</p> <p>17 made against Ron Blocker?</p> <p>18 A. No, sir.</p> <p>19 Q. I mean, Alan Carpenter still</p> <p>20 works there; have you talked to him about it?</p> <p>21 A. No, sir.</p> <p>22 Q. Talked to anybody?</p> <p>23 A. No, sir.</p> <p>24 Q. In fact, Alan quit working at</p> <p>25 Equity Group for a period of time after Ron</p>

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<p>59</p> <p>1 was fired, didn't he?</p> <p>2 A. Yes, he did.</p> <p>3 Q. And he came back to work some</p> <p>4 time later?</p> <p>5 A. Yes, he did.</p> <p>6 Q. But everybody else that was in</p> <p>7 Ron's crew -- in fact, Mr. Bradford just got</p> <p>8 fired, right, about two weeks ago?</p> <p>9 A. Yes, sir. The point system got</p> <p>10 him.</p> <p>11 Q. Yeah. The guy y'all called</p> <p>12 "Pork Chop" --</p> <p>13 A. Yes, sir.</p> <p>14 Q. -- he was in maintenance?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Was he still on the third</p> <p>17 shift?</p> <p>18 A. Yes, sir.</p> <p>19 Q. All right. So with the</p> <p>20 exception of Mr. Carpenter, everybody that</p> <p>21 was on his crew no longer works there, do</p> <p>22 they?</p> <p>23 A. I don't recall.</p> <p>24 Q. You may not know -- I tell you</p> <p>25 what, let me do this: Mr. McCartha, does he</p>	<p>61</p> <p>1 A. Yes, sir.</p> <p>2 Q. If you work on the third shift,</p> <p>3 though, are you just going to -- by the very</p> <p>4 nature of it, are you going to work a lot of</p> <p>5 hours?</p> <p>6 A. That's most any shift.</p> <p>7 Q. Really?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Why do they work so many hours?</p> <p>10 Do you know?</p> <p>11 A. It's just part of being in</p> <p>12 maintenance.</p> <p>13 Q. Okay. And are there</p> <p>14 maintenance crews on the first and second</p> <p>15 shifts?</p> <p>16 A. Yes, sir.</p> <p>17 Q. But they do different types of</p> <p>18 maintenance --</p> <p>19 A. Yes, sir.</p> <p>20 Q. -- while the plant's in</p> <p>21 operation?</p> <p>22 A. Yes, sir.</p> <p>23 MR. ROBERSON: Okay. Let's</p> <p>24 take a break. I'm about</p> <p>25 through.</p>
<p>60</p> <p>1 still work there?</p> <p>2 A. No, sir.</p> <p>3 Q. Glenda Merritt doesn't work</p> <p>4 there. She wasn't in his crew. She was the</p> <p>5 supervisor. But she doesn't work there now?</p> <p>6 A. No, she does not.</p> <p>7 Q. Josh Bradford, he doesn't work</p> <p>8 there?</p> <p>9 A. No.</p> <p>10 Q. And Rex Faircloth is deceased,</p> <p>11 correct?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. How much are they making</p> <p>14 out there in maintenance now with top hands</p> <p>15 by the hour?</p> <p>16 A. Top pays 17-something, I</p> <p>17 believe.</p> <p>18 Q. That's a pretty good job, isn't</p> <p>19 it?</p> <p>20 A. Yes, sir.</p> <p>21 Q. I mean, there are not a lot of</p> <p>22 places in Eufaula or around Eufaula that you</p> <p>23 can make \$17 an hour.</p> <p>24 A. No, sir.</p> <p>25 Q. You agree with that, don't you?</p>	<p>62</p> <p>1 (Whereupon a brief recess was</p> <p>2 taken.)</p> <p>3 BY MR. ROBERSON:</p> <p>4 Q. I'm going to show you what I've</p> <p>5 marked as Exhibit 7, which is an employee</p> <p>6 handbook from Keystone Foods.</p> <p>7 (Whereupon Plaintiff's Exhibit</p> <p>8 No. 7 was marked for</p> <p>9 identification and attached</p> <p>10 hereto.)</p> <p>11 (Witness reviewed document.)</p> <p>12 A. Yes, sir.</p> <p>13 Q. Are you familiar with that? I</p> <p>14 mean, have y'all got a handbook?</p> <p>15 A. Yes, sir, we have handbooks.</p> <p>16 Q. Okay. As the maintenance</p> <p>17 foreman, do you sometimes have to enforce</p> <p>18 those rules, work rules?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. Keystone has an overtime</p> <p>21 policy, correct?</p> <p>22 A. Yes, sir.</p> <p>23 Q. On page 25. And it indicates</p> <p>24 what they'll do about overtime on page 25 of</p> <p>25 their policy, correct?</p>

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<p>63</p> <p>1 (Witness reviewed document.)</p> <p>2 A. Yes, sir. This is the hourly</p> <p>3 handbook.</p> <p>4 Q. Okay. Well, Ron Blocker worked</p> <p>5 for CP before he worked for Equity Group,</p> <p>6 correct?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And he worked for CP while they</p> <p>9 operated the cook house, correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. In fact, he was the supervisor</p> <p>12 over the cook house on the third shift for</p> <p>13 CP, wasn't he?</p> <p>14 A. He was an hourly employee.</p> <p>15 Q. Exactly. That's exactly my</p> <p>16 point. He worked as the supervisor as an</p> <p>17 hourly employee for CP, correct?</p> <p>18 A. Wouldn't have been classed as a</p> <p>19 supervisor.</p> <p>20 Q. Okay. Well, who was the</p> <p>21 supervisor?</p> <p>22 A. Would have been Phillip Malden</p> <p>23 [phonetic].</p> <p>24 Q. What was his job position?</p> <p>25 A. He was the supervisor at that</p>	<p>65</p> <p>1 department more in line with the other</p> <p>2 facilities, that was the reason we put</p> <p>3 salaried personnel on the shifts.</p> <p>4 Q. Well, where did you get that</p> <p>5 directive from?</p> <p>6 A. That would have come from</p> <p>7 Spence Jernigan.</p> <p>8 Q. So he had to become salaried if</p> <p>9 he wanted to be in charge of the shift?</p> <p>10 A. To be a salaried supervisor,</p> <p>11 you have to be salary, yes, sir.</p> <p>12 Q. Well, can you be a supervisor</p> <p>13 and not be on a salary?</p> <p>14 A. No, sir.</p> <p>15 Q. Okay. Do y'all have leadmen?</p> <p>16 A. Yes, sir.</p> <p>17 Q. How much more do they make?</p> <p>18 A. There's not a different class</p> <p>19 in maintenance for a lead.</p> <p>20 Q. All right. So you can't have a</p> <p>21 leadman in charge of the shift?</p> <p>22 A. Yes, sir.</p> <p>23 Q. You do, in fact, don't you?</p> <p>24 A. From time to time, yes, sir.</p> <p>25 Q. Any reason Ron Blocker couldn't</p>
<p>64</p> <p>1 plant.</p> <p>2 Q. At the whole plant --</p> <p>3 A. Yes, sir.</p> <p>4 Q. -- or over the cook house?</p> <p>5 A. Over the maintenance.</p> <p>6 Q. Okay. Well, what was Ron</p> <p>7 Blocker, then, just an hourly employee?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Where is Mr. Malden; does he</p> <p>10 still work for y'all?</p> <p>11 A. No, sir.</p> <p>12 Q. Where is he?</p> <p>13 A. He's with Cook Foods.</p> <p>14 Q. Was he fired?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Well, was there any reason in</p> <p>17 November of 2004 that Ron Blocker couldn't</p> <p>18 have been paid by the hour and work as the</p> <p>19 supervisor or be in charge of the crew on the</p> <p>20 third shift?</p> <p>21 MR. SMITH: Object to the form.</p> <p>22 Q. You can answer.</p> <p>23 A. Equity wanted all supervision</p> <p>24 to be salary; that is, they have no hourly</p> <p>25 supervisors. And to make me -- to make my</p>	<p>66</p> <p>1 work as a leadman in charge of the third</p> <p>2 shift?</p> <p>3 A. No, sir.</p> <p>4 Q. All right. Do you recall any</p> <p>5 conversation where Mr. Blocker, the same day</p> <p>6 that he accepted the position, tried to back</p> <p>7 out of it?</p> <p>8 A. No, sir. I don't recall that.</p> <p>9 MR. ROBERSON: Okay. Thank</p> <p>10 you, sir. Mr. Blutsworth,</p> <p>11 we thank you.</p> <p>12 MR. SMITH: I don't have any</p> <p>13 questions.</p> <p>14 (The deposition of REB</p> <p>15 BLUDSWORTH concluded at</p> <p>16 approximately 12:11 p.m.)</p> <p>17</p> <p>18 * * * * *</p> <p>19 FURTHER DEPONENT SAITH NOT</p> <p>20 * * * * *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1       \* \* \* \* \*

2       REPORTER'S CERTIFICATE

3       \* \* \* \* \*

4       STATE OF ALABAMA)

5       COUNTY OF MONTGOMERY)

6       I, Cornelia J. Baker, Certified

7       Court Reporter, Certified Shorthand

8       Reporter, and Notary Public in and for the

9       State of Alabama at Large, do hereby certify

10      that on Friday, May 30, 2008, I reported the

11      aforementioned proceedings, and that the

12      pages herein contain a true and accurate

13      transcription of the said proceedings.

14      I further certify that I am

15      neither of kin nor of counsel to the parties

16      to said cause, nor in any manner interested

17      in the results thereof.

18      This the 4th day of June, 2008.

19

20

21

22      Cornelia J. Baker, ACCR 290

23      Certified Shorthand Reporter,

24      Certified Court Reporter and

25      Notary Public for the

          State of Alabama

          My Commission expires 6/9/08.



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## CORRECTIVE ACTION FORM

DATE 5-2-05Ron F. Blocker maint.

EMPLOYEE NAME

DEPARTMENT

Supervisor

JOB TITLE

REASON FOR INTERVIEW:

☐ Job Performance☒ Otherlock out and tag out violation

EMPLOYEE STATEMENT

Ron F. Blocker

EMPLOYEE SIGNATURE

INTERVIEWER STATEMENT AND ACTION TAKEN

Employee is suspended for three days for failing to follow lock out and tag out violation. If this occurs again, further disciplinary action will be taken, including and up to termination.

ABL

SUPERVISOR SIGNATURE

JR 5/2/05

PERSONNEL MANAGER SIGNATURE

☐ Verbal Warning☐ Written Warning☐ 1 Day Suspension☒ 3 Day Suspension☐ Termination☐ Counseling

BLUE: PERSONNEL

WHITE: SUPERVISOR

CANARY: EMPLOYEE

Equity Group

28

**Saturday Pay Policy  
Equity Group Eufaula**

**Scope:** This policy applies to all Salaried exempt employees

**Purpose:** To establish the guidelines by which Equity Group Eufaula will determine compensation for Saturday production work when it is to further the company's economic status within the current marketplace.

**Effective Date:** May 9<sup>th</sup>, 2005

**POLICY:**

**I**

**General Guidelines –**

- The affected personnel from this policy are listed below:
  - Live Haul Supervisor
  - Further Processing
  - Fresh Processing Supervisor, Superintendent, and Shift Manager
  - QA Supervisor and Haccp Coordinator
  - Maintenance Supervisor
  - Sanitation Supervisor
- If required, under special circumstances, an HR Shift Manager and/or an Accounting Manager may be required also
- The amount to be paid will be \$ 115.00 per Saturday
- If the employee does not work his weekly schedule, there will be no Saturday pay.

**II**

**Definition**

- Saturday pay qualification is determined by the company's desire to enhance its economic status within the current marketplace and not because of poor performance, weather, mechanical issues, etc.



**Remarks:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

On Monday, May 16, 2005, Kenneth Pelham called and said that he needed to tell me what was happening on 3<sup>rd</sup> shift in maintenance. He said that he was hired as the 3<sup>rd</sup> shift tool man and that he had "a lot of problems". He said that he got fired and "took a lot of abuse, mentally and physically". He started telling me about how the boys hit him in his back and on his head. I made an appointment with him for the following day Tuesday, May 17, 2005, at 9:00 a.m.

#### INTERVIEW WITH KEN PELHAM

Ken said that had been working almost 90 days and he got fired because he missed days because of his attendance. Ken said it was because of his blood pressure dealing with the situation at work. He said that there were a lot of things going on that shift. He said that the guys that work on that shift are young and they have hit him on the back three times in his kidneys. He said that it hurts so bad sometimes that he has trouble moving. He said that they hit people in the head with tools when they have their hard hats on. He named Alan Carpenter, John Bradford, Rex Faircloth and Kelvin Heath. He said that they lock him up in the cage. They throw bolts over into the cage and hit in the head. Alan hit him with a box in the head and it almost knocked him out. He said that someone threw something one time and busted his lip.

Ken said that Ron humiliates him by calling in "tool boy" and tells him to "go get in your cage". He says stuff like this in front of people and it is embarrassing. He says that Ron intimidates people. He saw one of the guys hit Jim Allen in the head with the wrench and he went down on the ground. He mentioned Darrell McCartha and Glenda Merritt knowing this activity is going on. He says that Ron sleeps in his office. He has also seen Rex Faircloth asleep.

In regards to the money machine being vandalized, he said that all of them (the maintenance folks) were on break and he saw Alan Carpenter put \$5.00 in the machine. When the machine did not give him change back, Alan shook the machine and slammed it up against the wall. He said that Ron and the whole maintenance crew was in the break room when this happened. He has seen Ron try to get free chips out of the vending machine. When the sign went up offering \$500.00 for information to who did the damage, Ken jokingly stated that he could use \$500.00. Ron told him that "\$500.00 would probably benefit your family but it won't you". Ken is a little scared of Ron because he knows what he is "capable of".

Ken said that Alan Carpenter was the one who terminated him. He said that he kept trying to call Ron to find out about his being out and Alan got and the phone and told him he didn't work here anymore. He said that he was on medication for his blood pressure but since all this stuff was going on 3<sup>rd</sup> shift; his blood pressure has been extremely high.

He said that when he came to the Company he had planned on making this place his "retirement place" but he says he cannot work under the conditions that are on that 3<sup>rd</sup> shift maintenance.

#### INTERVIEW WITH DARRELL MCCARTHA

Darrell is now on 1<sup>st</sup> shift maintenance because of personal problems but he also said that because the 3<sup>rd</sup> shift maintenance was so bad he would've quit if he had to stay on that shift.

He said that it is a "big game" on that shift. There is a lot of playing. He says that everyone hits everyone on the hard hats with their tools. He says that when he first came to Ron's shift he thought the world of Ron. Now, however, he says that he had no respect for him at all. Darrell says that Ron will "stab you in the back" if you don't watch yourself. Darrell also said that he doesn't believe half of what Ron says. He has seen Ron asleep in his office. He has never seen Alan asleep.

Darrell has watched all the guys pick on Ken Pelham. He says that Ken used to ride to work with him and there were days that he had marks on him from things striking him while he worked in the cage. Ken got hit in the back a couple of times one night and he could tell that Ken was having trouble getting out of the vehicle. Darrell has heard Ron make comments belittling Ken in front of the guys. He tells him to "get back in your cage" and calls him the "tool boy". He said that the behavior with Ken got "out of hand."

Darrell says that he saw the guys hit Jim Allen on the head a couple of times—one with a wrench and another time with another hard hat. He said that Jim Allen quit because of his treatment. He says that Alan Carpenter does it and he has seen Rex Faircloth also hit people on the head. Darrell says that Ron doesn't control his guys and just "lets go on what lets go on".

Darrell said that a week ago when the man got burned, Ron was very upset that he got suspended. He questioned Darrell about why he didn't get suspended. In a group of people, he would make snide comments about "some people got special treatment" because of the incident.

Darrell said that he never saw Alan tear the machine down, but he did hear the guys tell Ron that "you got it" when Ron was shaking the machine to get out some chips. He says that he has seen Ron shake the machines and make the statement that he could "tear the machines apart." He said that when the sign was put up about the reward about the vending machine it was a big joke with all the guys. He said that Ken was playing around and told them that he could sure use \$500.00. Ron made that "well the \$500.00 won't do you any good but it would your family".

Ron had a couple of meetings with the guys and told them that if they felt that the horseplay was "too much" then he will stop it! Darrell also stated that Ron reeked of alcohol sometimes.

#### INTERVIEW WITH GLENDA MERRITT

Glenda has observed Ron asleep at his desk. She states that one morning she had to call him three times before he woke up. She says that there is a lot of horse playing on that shift. She has seen the guys pulling on and aggravating each other. She says that she has seen them duck tape Clay Corbin's tools together and she watch them punch holes in his drink cans so that when he drank it would go all over him.

Glenda says that they all walk around and hit each other in the hard hats with their wrenches. Ron humiliates his employees by talking down to them in a demeaning manner in front of others. He has an "arrogant attitude" towards everyone. Just a couple of weeks ago, Darrell McCartha wanted to transfer to another department and she had an opening in QA. Ron wasn't there so she went to Reb to ask him if it was O.K. Reb told her that it was O.K. She said that when Ron came back to work, he was not happy at all about Darrell wanting to transfer. She said that he would make snide, degrading comments to her in front of people.

She says that Ron feels like he should not have been suspended because of the safety violation a few weeks ago. She says he fusses about it and she tells him that she was suspended too and that they should have been suspended!

Glenda says that she has seen Rex sleeping—he sleeps all the time. Glenda says that Ron is aware that Rex sleeps. She believes that Clay quit because of Ron. Glenda says that Clay was a very good worker and he had just taken all he could. She says that he was real rough with Ken Pelham. Ron would tell him to "stay in his cage" and would call him "tool boy". Glenda says that he is very intimidating to people.

#### INTERVIEW WITH JAMES BRAGG

The biggest problem with Ron that James has is that when James comes in to work, they are late starting up because none of the equipment is ready to start up. He doesn't understand what they do at night so that when the plant is ready to start up, they aren't ready. When James leaves every evening, the Maintenance office is cleaned up with no chairs. When he gets in the office every morning, there are cigarettes and cigarette butts all over the floor and all the chairs are moved back into the office.

James feels that Rex is the most mistreated by Ron because Ron is always complaining about him. He has heard Ron threaten to fire Rex. He has also heard that Rex has taken pictures of Ron asleep on his digital camera. He has seen all of Ron's guys hitting on the hard hats with tools. He has also witnessed the guys hitting others in the groin with their hard hats. He has had to warn Josh Bradford and Alan Carpenter about not playing on his shift. He has told them that "we don't play like ya'll do". He said that when he told them this they kind of hung their heads and told him O.K. James has also seen Alan and Josh slap people on the back. James did see the guys hit Ken Pelham on the head with their wrenches.

When Jim Allen was here, he has seen Ron's guys pick on him. James said that Jim was actually scared to talk to anyone about the situation. Ken Pelham did call James the other day crying talking to him about how the guys are punching and beating on him. He has heard Ron make racial comments. James said that Marcus Young, a black male, worked here awhile back. James said Marcus was a sharp individual that presents himself to be very professional. Marcus was put on Ron's shift and quit work after being employed about three week. He called James and told him that he could not work with Ron because he was a racist and he didn't feel that he could work for him.

James has heard Ron constantly humiliate and intimidate his people. He says that Ron "doesn't have a clue as to how to talk to people".

#### INTERVIEW WITH ALAN CARPENTER

Alan says that everyone on that 3<sup>rd</sup> shift maintenance does play around. He says that they do hit each other on the hard hats with wrenches. Alan says that he did hit Ken Pelham on the back but he did "tap" him on the butt a few times. He says that they have locked people in the cage, but it was "just a joke". He says that they have tossed a few small nuts and bolts into the cage but to his knowledge has never hit anyone. Alan said that everyone on that shift, including Ken, played around.

Alan did say that he has seen Ron "dozing" in his office. He has also witnessed Rex being asleep.

About the vandalism of the change machine, Alan says that he did not tear up the machine. He says that when he went into the break room the machine was already on the floor and him and Josh Bradford picked it up. He said that it was beat up but he heard change in it so he got \$5.00 worth of change out of the machine—he said that it still worked.

#### INTERVIEW WITH JOSH BRADFORD (a.k.a. Pork chop)

About the vandalism: Josh said that they walked into the break room and that the machine was on the floor and he helped Alan set it up. He said that he didn't see anyone put any money to get change into it. He said that it was so beat up that he didn't understand why anyone would want to try to get change out of it. He didn't see Alan try to get any money out of the machine because "he went to the bathroom" right after they set the machine back up.

Josh has never witnessed anyone sleeping. He says that 3<sup>rd</sup> shift is "rough" because nobody there to supervise. All of them do "tap" each other on the hard hats. He says that only times that they meet in the offices was when they had safety meetings.

Josh said that he knew that Ron had been suspended because it was his understanding that Ron had called Alan at home and told him



#### INTERVIEW WITH REX FAIRCLOTH

Rex admitted that he did sleep during the shift. He also stated that he has witnessed Ron asleep. He said that they "pick" on each other at night to make the night go quicker. He said that they do hit each other on their hard hats but not hard. He said that they really don't have any supervision because they all know what they need to do. He says that Ron doesn't intimidate him but he is a "pretty big fellow".

Rex said that he didn't see anyone tear up the machine in the break room. He said that he was the last one to leave the Shop when they were going to break so he was lagging behind the others. All he saw was Alan and Josh setting up the machine.

*Kathy Gilmore*  
5-24-2005



Equity Group Eufaula Div. • 57 Melvin Clark Road  
Eufaula, AL 36027 • (334) 687-7790 • Fax (334) 687-7779

To: Ron Blocker

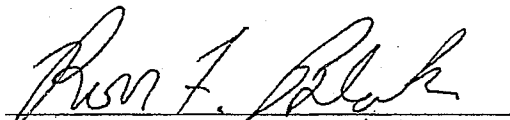
Date: May 17, 2005

Re: Conduct Unbecoming  
Of Management

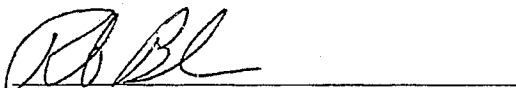
From: Reb Blutsworth

You are being suspended for five (5) days for conduct unbecoming of a member of management of this company. It has been reported that there has been numerous reports of physical and mental abuse and vandalism in areas that you are managing. There will be an investigation into these allegations.

Your are to contact Human Resources on Tuesday, May 24, 2005, for the results of this investigation.

  
Ron Blocker

5-17-05  
Date

  
Reb Blutsworth

1 Wages, tips, other comp. 8355.51	2 Federal income tax withheld 918.99		
3 Social security wages 8355.51	4 Social security tax withheld 518.04		
5 Medicare wages and tips 8355.51	6 Medicare tax withheld 121.15		
a Control Number 001184	Dept. 15/B&F	Corp. 72A	Employer use only A 12
c Employer's name, address, and ZIP code EQUITY GROUP EUFAULA DIVISION LLC 57 MELVIN CLARK RD BAKERHILL AL 36027			

Batch #00584

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12 C 19.53
14 Other	12b 12c 12d
13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 421008	16 State wages, tips, etc. 8355.51
17 State income tax 296.46	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

Safe, accurate, FAST! Use **e-file** Visit the IRS Web Site at [www.irs.gov](http://www.irs.gov).

Employee Reference Copy  
**W-2 Wage and Tax Statement 2004**  
OMB No. 1545-0008

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2004 pay stub plus any adjustments submitted by your employer.

Gross Pay	8335.98	Social Security Tax Withheld Box 4 of W-2	518.04	AL State Income Tax Box 17 of W-2 SUI/SDI Box 14 of W-2	296.46
Fed. Income Tax Withheld Box 2 of W-2	918.99	Medicare Tax Withheld Box 6 of W-2	121.15		

2. Your Gross Pay Was Adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	AL State Wages, Tips, Etc. Box 16 of W-2
Gross Pay	8,335.98	8,335.98	8,335.98	8,335.98
Plus GTL (C-Box 12)	19.53	19.53	19.53	19.53
Reported W-2 Wages	8,355.51	8,355.51	8,355.51	8,355.51

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, contact your payroll dept.

RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

Social Security Number: [REDACTED]  
Taxable Marital Status: MARRIED  
Exemptions/Allowances:  
FEDERAL: 0  
STATE: \$30 Yearly Exemption

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Fold and Detach Here

1 Wages, tips, other comp. 8355.51	2 Federal income tax withheld 918.99		
3 Social security wages 8355.51	4 Social security tax withheld 518.04		
5 Medicare wages and tips 8355.51	6 Medicare tax withheld 121.15		
a Control Number 001184	Dept. 15/B&F	Corp. 72A	Employer use only A 12

c Employer's name, address, and ZIP code  
EQUITY GROUP EUFAULA  
DIVISION LLC  
57 MELVIN CLARK RD  
BAKERHILL AL 36027

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12 C 19.53
14 Other	12b 12c 12d
13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 421008	16 State wages, tips, etc. 8355.51
17 State income tax 296.46	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

1 Wages, tips, other comp. 8355.51	2 Federal income tax withheld 918.99		
3 Social security wages 8355.51	4 Social security tax withheld 518.04		
5 Medicare wages and tips 8355.51	6 Medicare tax withheld 121.15		
a Control Number 001184	Dept. 15/B&F	Corp. 72A	Employer use only A 12

c Employer's name, address, and ZIP code  
EQUITY GROUP EUFAULA  
DIVISION LLC  
57 MELVIN CLARK RD  
BAKERHILL AL 36027

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12 C 19.53
14 Other	12b 12c 12d
13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 421008	16 State wages, tips, etc. 8355.51
17 State income tax 296.46	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

1 Wages, tips, other comp. 8355.51	2 Federal income tax withheld 918.99		
3 Social security wages 8355.51	4 Social security tax withheld 518.04		
5 Medicare wages and tips 8355.51	6 Medicare tax withheld 121.15		
a Control Number 001184	Dept. 15/B&F	Corp. 72A	Employer use only A 12

c Employer's name, address, and ZIP code  
EQUITY GROUP EUFAULA  
DIVISION LLC  
57 MELVIN CLARK RD  
BAKERHILL AL 36027

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12 C 19.53
14 Other	12b 12c 12d
13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 421008	16 State wages, tips, etc. 8355.51
17 State income tax 296.46	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

Federal Filing Copy  
**W-2 Wage and Tax Statement 2004**  
OMB No. 1545-0008

AL State Filing Copy  
**W-2 Wage and Tax Statement 2004**  
OMB No. 1545-0008

AL State Filing Copy  
**W-2 Wage and Tax Statement 2004**  
OMB No. 1545-0008

1 Wages, tips, other comp. 13180.30		2 Federal income tax withheld 1653.40	
3 Social security wages 13180.30		4 Social security tax withheld 817.18	
5 Medicare wages and tips 13180.30		6 Medicare tax withheld 191.11	
a Control Number	Dept.	Corp.	Employer use only
002559 15/VCJ	62A		A 80
b Employer's name, address, and ZIP code CHAROEN POKPHAND USA INC 4356 DONCASTER DR ELLICOT CITY MD 21043			

Batch #00709

c Employer's FED ID number 72-1347128		d Employee's SSA number [REDACTED]	
7 Social security tips		8 Allocated tips	
9 Advance EIC payment		10 Dependent care benefits	
11 Nonqualified plans		12a See instructions for box 12	
14 Other		12b	
		12c	
		12d	
13 Stat emp./Ret. plan/3rd party sick pay			

e/f Employee's name, address and ZIP code  
RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 338724	16 State wages, tips, etc. 13180.30
17 State income tax 477.10	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

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FAST! Use at www.irs.gov.

Employee Reference Copy  
W-2 Wage and Tax Statement 2004  
OMB No. 1545-0008

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2004 pay stub plus any adjustments submitted by your employer.

Gross Pay	13803.94	Social Security Tax Withheld Box 4 of W-2	817.18	AL State Income Tax Box 17 of W-2 SUI/SDI Box 14 of W-2	477.10
Fed. Income Tax Withheld Box 2 of W-2	1653.40	Medicare Tax Withheld Box 6 of W-2	191.11		

2. Your Gross Pay Was Adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	AL State Wages, Tips, Etc. Box 16 of W-2
Gross Pay	13,803.94	13,803.94	13,803.94	13,803.94
Less Other Cafe 125	623.64	623.64	623.64	623.64
Reported W-2 Wages	13,180.30	13,180.30	13,180.30	13,180.30

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

Social Security Number [REDACTED]  
Taxable Marital Status: MARRIED  
Exemptions/Allowances:  
FEDERAL: 0  
STATE: \$30 Yearly Exemption

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1 Wages, tips, other comp. 13180.30		2 Federal income tax withheld 1653.40	
3 Social security wages 13180.30		4 Social security tax withheld 817.18	
5 Medicare wages and tips 13180.30		6 Medicare tax withheld 191.11	
a Control Number	Dept.	Corp.	Employer use only
002559 15/VCJ	62A		A 80
b Employer's name, address, and ZIP code CHAROEN POKPHAND USA INC 4356 DONCASTER DR ELLICOT CITY MD 21043			

b Employer's FED ID number 72-1347128		d Employee's SSA number [REDACTED]	
7 Social security tips		8 Allocated tips	
9 Advance EIC payment		10 Dependent care benefits	
11 Nonqualified plans		12a See instructions for box 12	
14 Other		12b	
		12c	
		12d	
13 Stat emp./Ret. plan/3rd party sick pay			

e/f Employee's name, address and ZIP code  
RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 338724	16 State wages, tips, etc. 13180.30
17 State income tax 477.10	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

Federal Filing Copy  
W-2 Wage and Tax Statement 2004  
OMB No. 1545-0008

1 Wages, tips, other comp. 13180.30		2 Federal income tax withheld 1653.40	
3 Social security wages 13180.30		4 Social security tax withheld 817.18	
5 Medicare wages and tips 13180.30		6 Medicare tax withheld 191.11	
a Control Number	Dept.	Corp.	Employer use only
002559 15/VCJ	62A		A 80
c Employer's name, address, and ZIP code CHAROEN POKPHAND USA INC 4356 DONCASTER DR ELLICOT CITY MD 21043			

b Employer's FED ID number 72-1347128		d Employee's SSA number [REDACTED]	
7 Social security tips		8 Allocated tips	
9 Advance EIC payment		10 Dependent care benefits	
11 Nonqualified plans		12a See instructions for box 12	
14 Other		12b	
		12c	
		12d	
13 Stat emp./Ret. plan/3rd party sick pay			

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RON F. BLOCKER  
43 ROCKY MT. CHURCH  
ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 338724	16 State wages, tips, etc. 13180.30
17 State income tax 477.10	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

AL State Filing Copy  
W-2 Wage and Tax Statement 2004  
OMB No. 1545-0008

1 Wages, tips, other comp. 13180.30		2 Federal income tax withheld 1653.40	
3 Social security wages 13180.30		4 Social security tax withheld 817.18	
5 Medicare wages and tips 13180.30		6 Medicare tax withheld 191.11	
a Control Number	Dept.	Corp.	Employer use only
002559 15/VCJ	62A		A 80
c Employer's name, address, and ZIP code CHAROEN POKPHAND USA INC 4356 DONCASTER DR ELLICOT CITY MD 21043			

b Employer's FED ID number 72-1347128		d Employee's SSA number [REDACTED]	
7 Social security tips		8 Allocated tips	
9 Advance EIC payment		10 Dependent care benefits	
11 Nonqualified plans		12a See instructions for box 12	
14 Other		12b	
		12c	
		12d	
13 Stat emp./Ret. plan/3rd party sick pay			

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ROAD  
EUFAULA, AL 36027

15 State Employer's state ID no. AL 338724	16 State wages, tips, etc. 13180.30
17 State income tax 477.10	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

AL State Filing Copy  
W-2 Wage and Tax Statement 2004  
OMB No. 1545-0008



1 Wages, tips, other comp. 37919.36	2 Federal income tax withheld 4711.86
3 Social security wages 37919.36	4 Social security tax withheld 2351.00
5 Medicare wages and tips 37919.36	6 Medicare tax withheld 549.83
a Control Number 002559 15/B&E	Dept. 72A Corp. T Employer use only 139

c Employee's name, address, and ZIP code  
**EQUITY GROUP EUFAULA  
 DIVISION LLC  
 57 MELVIN CLARK RD  
 BAKERHILL AL 36027**

Batch #00416

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other	12b 12c 12d
13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
**RON F. BLOCKER  
 43 ROCKY MT. CHURCH  
 ROAD  
 EUFAULA, AL 36027**

15 State Employer's state ID no. AL 421008	16 State wages, tips, etc. 37919.36
17 State income tax 1376.78	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

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**W-2** Wage and Tax Statement 2004  
 Copy B to be filed with employee's records. OMB No. 1545-0008

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2004 pay stub plus any adjustments submitted by your employer.

Gross Pay	40004.51	Social Security Tax Withheld Box 4 of W-2	2351.00	AL State Income Tax Box 17 of W-2 SUI/SDI Box 14 of W-2	1376.78
Fed. Income Tax Withheld Box 2 of W-2	4711.86	Medicare Tax Withheld Box 6 of W-2	549.83		

2. Your Gross Pay Was Adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	AL State Wages, Tips, Etc. Box 16 of W-2
Gross Pay	40,004.51	40,004.51	40,004.51	40,004.51
Less Other Cafe 125	2,085.15	2,085.15	2,085.15	2,085.15
Reported W-2 Wages	37,919.36	37,919.36	37,919.36	37,919.36

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

**RON F. BLOCKER  
 43 ROCKY MT. CHURCH  
 ROAD  
 EUFAULA, AL 36027**

Social Security Number: [REDACTED]  
 Taxable Marital Status: MARRIED  
 Exemptions/Allowances:  
 FEDERAL: 0  
 STATE: \$30 Yearly Exemption

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1 Wages, tips, other comp. 37919.36	2 Federal income tax withheld 4711.86
3 Social security wages 37919.36	4 Social security tax withheld 2351.00
5 Medicare wages and tips 37919.36	6 Medicare tax withheld 549.83
a Control Number 002559 15/B&E	Dept. 72A Corp. T Employer use only 139

c Employee's name, address, and ZIP code  
**EQUITY GROUP EUFAULA  
 DIVISION LLC  
 57 MELVIN CLARK RD  
 BAKERHILL AL 36027**

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other	12b 12c 12d
13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
**RON F. BLOCKER  
 43 ROCKY MT. CHURCH  
 ROAD  
 EUFAULA, AL 36027**

15 State Employer's state ID no. AL 421008	16 State wages, tips, etc. 37919.36
17 State income tax 1376.78	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

Federal Filing Copy  
**W-2** Wage and Tax Statement 2004  
 Copy B to be filed with employee's Federal Income Tax Return. OMB No. 1545-0008

1 Wages, tips, other comp. 37919.36	2 Federal income tax withheld 4711.86
3 Social security wages 37919.36	4 Social security tax withheld 2351.00
5 Medicare wages and tips 37919.36	6 Medicare tax withheld 549.83
a Control Number 002559 15/B&E	Dept. 72A Corp. T Employer use only 139

c Employee's name, address, and ZIP code  
**EQUITY GROUP EUFAULA  
 DIVISION LLC  
 57 MELVIN CLARK RD  
 BAKERHILL AL 36027**

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other	12b 12c 12d
13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
**RON F. BLOCKER  
 43 ROCKY MT. CHURCH  
 ROAD  
 EUFAULA, AL 36027**

15 State Employer's state ID no. AL 421008	16 State wages, tips, etc. 37919.36
17 State income tax 1376.78	18 Local wages, tips, etc.
19 Local income tax	20 Locality name

AL State Filing Copy  
**W-2** Wage and Tax Statement 2004  
 Copy 2 to be filed with employee's State Income Tax Return. OMB No. 1545-0008

1 Wages, tips, other comp. 37919.36	2 Federal income tax withheld 4711.86
3 Social security wages 37919.36	4 Social security tax withheld 2351.00
5 Medicare wages and tips 37919.36	6 Medicare tax withheld 549.83
a Control Number 002559 15/B&E	Dept. 72A Corp. T Employer use only 139

c Employee's name, address, and ZIP code  
**EQUITY GROUP EUFAULA  
 DIVISION LLC  
 57 MELVIN CLARK RD  
 BAKERHILL AL 36027**

b Employer's FED ID number 05-0596460	d Employee's SSA number [REDACTED]
7 Social security tips	8 Allocated tips
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13 Stat emp./Ret. plan/3rd party sick pay	

e/f Employee's name, address and ZIP code  
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 43 ROCKY MT. CHURCH  
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 EUFAULA, AL 36027**

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19 Local income tax	20 Locality name

AL State Filing Copy  
**W-2** Wage and Tax Statement 2004  
 Copy 2 to be filed with employee's State Income Tax Return. OMB No. 1545-0008



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**RON BLOCKER,**

**Plaintiff,**

**vs.**

**EQUITY GROUP EUFAULA  
DIVISION, LLC,**

**Defendants.**

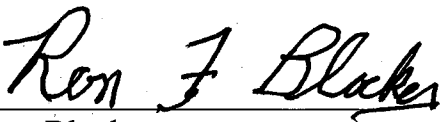
**Case No.: 2:07cv722MHT-WC**

**DECLARATION OF RON BLOCKER**

**Comes Now** Ron Blocker and under penalty of perjury alleges as follows:

My name is Ron Blocker. I am the Plaintiff in the above styled lawsuit. I worked at the chicken plant in Eufaula, Alabama operated by CP from approximately 1999 until its sale in 2004. I continued to work there after the sale when it was acquired by Equity Group. All my supervisors, Kathy Gilmore, Reb Bludsworth and Greg Mills all worked for both CP and Equity Group. These were the people who were involved in the decision to terminate me after I had made complaints regarding their tricking me into taking a salaried supervisor's job by telling me that overtime was being cut out by Equity Group. I do not presently ever being made aware of any complaint by James Allen while I was a supervisor prior to my discharge.

I have read the above statement and I declare that it is true and correct under penalty of perjury.

  
Ron Blocker